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International Court of Justice

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 9 January 1946, 1000-1245, Lord Justice Lawrence, presiding.

SIR DAVID MAXWELL-FYFE: If the Tribunal please, when the Tribunal adjourned I had just dealt with the last of the two Norway documents, which I now put in as Exhibits, GB 140 and GB 141. Their numbers were 004-PS and D-629.

My Lord, for convenience, the first document to which I shall refer in a few minutes will be Document Number 1871-PS.

THE PRESIDENT: I have got that here.

SIR DAVID MAXWELL-FYFE: My Lord, before I come to that, I just want to say one word about the aggression against the Low Countries, Belgium, The Netherlands, and Luxembourg.

The facts as to the aggression against these countries, during the period when this defendant was Foreign Minister, was stated in full by my friend Mr. Roberts. If I give the Tribunal the reference to the transcript at Pages 1100 to 1125, I don't need to detain the Tribunal on that part of the case.

I only remind the Tribunal that the action of this defendant as Foreign Minister to which attention may be called is the making of a statement on the 10th of May 1940 to representatives of the foreign press with regard to the reasons for the German invasion of the Low Countries, and these reasons were, in my respectful submission, demonstrated to be false by the evidence called by Mr. Roberts, which appears in that part of the transcript.

My Lord, I then proceed to the aggression in southeastern Europe against Greece and Yugoslavia, and the first moment of time in that regard is the meeting at Salzberg in August 1939 at which the defendant von Ribbentrop participated when Hitler announced that the Axis had decided to liquidate certain neutrals. That document is 1871-PS, which I now put in as Exhibit GB 142, and the passage to which I should like to refer the Tribunal is on Page 2 of the English version, two-thirds down the page in the middle of the fifth paragraph,

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six lines from the top. Your Lordship will find the words "Generally speaking."

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: I desire to quote from there:

"Generally speaking, it would be best to liquidate the pseudo-neutrals one after the other. This is fairly easily done, if one Axis partner protects the rear of the other, who is just finishing off one of the uncertain neutrals, and vice versa. Italy may consider Yugoslavia such an uncertain neutral. At the visit of Prince Regent Paul he (the Fuehrer) suggested, particularly in consideration of Italy, that Prince Paul clarify his political attitude towards the Axis by a gesture. He had thought of a closer connection with the Axis and Yugoslavia's leaving the League of Nations. Prince Paul agreed to the latter. Recently the prince regent was in London and sought reinsurance from the Western Powers. The same thing was repeated that happened in the case of Gafencu, who was also very reasonable during his visit to Germany and who denied any interest in the aims of the western democracies. Afterwards it was learned that he had later assumed a contrary standpoint in England. Among the Balkan countries the Axis can completely rely only on Bulgaria, which is in a sense a natural ally of Italy and Germany."

Then missing a sentence:

"At the moment when there would be a turn to the worse for Germany and Italy, however, Yugoslavia would join the other side openly, hoping thereby to give matters a final turn to the disadvantage of the Axis."

That demonstrates the policy with regard to uncertain neutrals.

Then, as early as September 1940 this defendant reviewed the war situation with Mussolini. This defendant emphasized the heavy revenge bombing raids in England and the fact that London would soon be in ruins. It was agreed between the parties that only Italian interests were involved in Greece and Yugoslavia, and the Italy could count on German support.

Then von Ribbentrop went on further to explain to Mussolini the Spanish plan for the attack on Gibraltar and Germany's participation therein, and that he was expecting to sign the Protocol with Spain, bringing the latter country into the war on his return to Berlin.

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That is Document 1842-PS, which is the next document in the book to the one which the Tribunal had just been looking, and the passage with regard to Greece and Yugoslavia occurs in the middle of the first page, if I might just read a very short extract:

"With regard to Greece and Yugoslavia, the Foreign Minister stressed that it was exclusively a question of Italian interests, the settling of which was a matter for Italy alone, and in which Italy could be certain of Germany's sympathetic assistance."

I don't think I need trouble the Tribunal with the rest.

MR. BIDDLE: I think you had better read the next paragraph.

SIR DAVID MAXWELL-FYFE: "But it seemed to us to be better not to touch on these problems for the time being, but to concentrate on the destruction of England with all our forces instead. Where Germany was concerned, she was interested in the northern German districts (Norway etc.), and this was acknowledged by the Duce."

I am very grateful to you, your Honor.

That I put in as Exhibit 143.

A month or two later, in January 1941, at the meeting between Hitler and Mussolini in which this defendant participated the Greek operation was discussed. Hitler had stated that the German troops in Rumania were for use in the planned campaign against Greece."

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the Tribunal the reference to the points which are mentioned at the foot of Page 3 of the English text.

With regard to that meeting there is a cross-reference in Count Ciano's diary, Count Ciano having attended as Italian Foreign Minister, and He recalls his impression of that meeting in the diary for the 20/21 of January by saying:

"The Duce was pleased with the conversation on the whole. I am less pleased. Above all, because Ribbentrop who had always been so boastful in the past told me when I asked him outright, how long the war would last, the he saw no possibility of its ending before 1942."

Despite that somewhat pessimistic statement to Count Ciano, a short time later, three weeks later, when it was a question of encouraging the Japanese, this defendant took a more optimistic line.

On the 13th of February 1941, he saw Ambassador Oshima, the Japanese Ambassador, and that conversation appears in Document 1834-PS, which is United States Exhibit 129. That was read previously, and again I simply give the reference on Page 3 of the English version.

The second last paragraph deals with the optimistic account of the military position and the position of Bulgaria and Turkey. I don't think I need read it further, because it gives the Tribunal the reference.

THE PRESIDENT: Which page was it on?

SIR DAVID MAXWELL-FYFE: On Page 3 of the document. Oh, I'm sorry, my Lord. It is marked Page 3 at the top. It is actually page 3 if you count the distribution page. It is marked Page 3 at the top, and it is a paragraph that begins "Militarily the Reich Foreign Minister---

THE PRESIDENT: I have it.

SIR DAVID MAXWELL-FYFE: Then after that in March this defendant put forth his efforts to get Yugoslavia to join the Axis, and on the 25th of March the defendant, in a note to the Prime Minister Cvetkovitch, said ---and this is Document 2450-PS, which is Exhibit GB-123--he gave the assurance:

"The Axis power governments, during this war will not direct a demand to

Yugoslavia to permit the march or transportation of troops through the Yugoslav state or territory."

"After that, it is only fair to point out that there was the coup d'etat in Yugoslavia. General Simowitsch took over the Govennment, and two days after the assurance which I just read at the meeting of the 27th of March, 1941, at which this defendant was present, Hitler outlined the military campaign against Yugoslavia and promised the destruction of Yugoslavia and the demolition of Belgrade by the German Air Force. That is contained in Document 1746-PS, which is Exhibit GB-120, and that was read by my friend, Colonel Fillimore, at an earlier stage so I don't need to read it again.

The final action of this defendant with regard to Yugoslavia was that after the invasion of Yugoslavia, von Ribbentrop was one of the persons directed by Hitler with the drawing of the boundaries for the partition and division of Yugoslavia. The preliminary directive for that was Document 1195-PS, which I now put in as Exhibit GB 144.

We now come to the aggression against the Soviet Union, and the first --

THE PRESIDENT: Has that been read, 1195-PS?

SIR DAVID MAXWELL-FYFE: That was the last one.

THE PRESIDENT: Has it been read?

SIR DAVID MAXWELL-FYFE: Yes. I put in 1195. That is the directive for the partition of Yugoslavia.

THE PRESIDENT: Yes, but you aren't reading it. Had it already been read or not?

SIR DAVID MAXWELL-FYFE: No, it has not. I am much obliged, your Lordship. I will now read the relevant sentence with regard to this.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: On Page 2, Section 2, your Lordship will see the words "the drawing up of boundaries."

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: And in paragraph 1 it says:

"If the drawing up of boundaries has not been laid down in the above Part I, it will be carried out by the Supreme Command of the Armed Forces in agreement with the Foreign Office"--that is the defendant--" the plenipotentiary for the

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Four Year Plan"--the defendant Goering--"and the Reich-Minister of the Interior."

THE PRESIDENT: Who is Reich Minister of the Interior?

SIR DAVID MAXWELL-FYFE: I think the defendant Frick.

THE PRESIDENT: Yes, I think it was.

SIR DAVID MAXWELL-FYFE: My Lord, I am grateful to your Lordship. I had forgotten that hadn't been read before.

Now then, as I say, we come to the aggression against the Soviet Union, and the first document which hasn't been put in so far, which I now put in as Exhibit GB 145, is TC-25, the German-Soviet non-aggression Pact.

On the 23 August 1939 this defendant had signed the German-Soviet non-aggression Pact. Now, the first point at which this defendant seems to have considered special problems of aggression against the Soviet Union was just after the 20 April 1941 when Rosenberg, the Defendant Rosenberg, and this defendant met or communicated to consider the problems which were expected to arise in Eastern occupied territory. This defendant appointed his Counsellor, Grosskopf, to be his liaison man with Rosenberg and also assigned a Consul General, called Brautigam, who had many years experience in the USSR as a collaborator with Rosenberg. That is shown in Document 1039-PS, which is already United States Exhibit 146.

I didn't propose to read it again as it had been read. That passage to which I have referred is the first paragraph on the top of Page 2, beginning "After notification to the Reich Foreign Minister". It is that paragraph which I have just mentioned.

That was in April 1941. The following month, on the 18 May 1941, the German Foreign Office prepared a declaration setting forth operational zones in the Arctic Ocean, the Baltic and Black Seas, to be used by the German Navy

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and the Air Force in the coming invasion of the Soviet Union. That is the next document, C-77, which I now put in as Exhibit GB 146, and it is very short. Therefore, I think I should quote it; it hasn't been read before:

"The Foreign Office has prepared for use in Barbarossa the attached draft of a declaration of operational zones. The Foreign Office has, however, reserved its decision as to the date when the declaration will be issued as well as discussion of particulars."

These last two documents show quite clearly that this defendant was again well in the preparation for this act of aggression. Then on the 22nd of June 1941 this defendant announced to the world that the German armies were invading the USSR, as was seen by the Tribunal in the film shown on the 11th of December.

How untrue were the reasons given is shown by the report of his own Ambassador in Moscow who said that everything was being done to avoid a conflict. The Tribunal will find the reference to that in my learned friend the Attorney General's speech, the transcript at Page 888.

We now come to the aggression which involved Japan and was directed against the United States of America. There the initial document is 2508-PS, which I now put in as Exhibit GB 147. That shows that on the 25th of November, 1936, as a result of negotiations of this Defendant as Ambassador-at-Large, Germany and Japan had signed the Anti-Comintern Pact. I don't think that has been read, but if I may, I will just read the introduction, the recital that gives the purpose of the agreement:

"The Government of the German Reich and the Imperial Japanese Government, recognizing that the aim of the Communist Internationale known as the Comintern is to disintegrate and subdue existing States by all the means at its command; convinced that the toleration of interference by the Communist International in the internal affairs of the nations not only endangers their internal peace and social well-being, but is also a menace to the peace of the world; desirous of cooperating in the defense against Communist subversive activities; having agreed as follows."

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And then there follow the effective terms of the agreement under which they will act together for five years. It is signed by this Defendant.

On the 27th of September 1940, this Defendant, as Foreign Minister, signed the tripartite pact with Japan and Italy, thereby bringing about a full-scale military and economic alliance for the creation of a new order in Europe and East Asia. That is 2643-PS, United States Exhibit 149, and it has been read.

Then, on the 13th of February of 1941 -- that is, a month or two later -- this Defendant was urging the Japanese to attack British possessions in the Far East. And that is shown in Document 1834-PS, which is US Exhibit 129, and which has already been read by my friend Mr. Alderman. That was in February.

Then, in April of 1941, at a meeting between Hitler and Matsuoka, representing Japan, at which this Defendant was present, Hitler promised that Germany would declare war on the United States in the event of war occurring between Japan and the United States as a result of Japanese aggression in the Pacific. That is shown in Document 1881-PS, United States Exhibit 33, which has already been read and which I did not intend to read again.

Then, the next document which reinforces that point, is 1882-PS, which is United States Exhibit 153. If I might trouble the Tribunal with just two short paragraphs of that, it is interesting, showing the psychological development of this Defendant and his views at that time. It is the first two paragraphs in the document that are quoted, under the heading "pages 2 and 3"; it is on the first page of the document:

"Matsuoka then spoke of the general high morale in Germany, referring to the happy faces he had seen everywhere among the workers during his recent visit to the Borsig Works. He expressed his regret that developments in Japan had not as yet advanced as far as in Germany and that in his country the intellectuals still exercised considerable influence.

"The Reich Foreign Minister replied that at best a nation which had

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realized its every ambition could afford the luxury of intellectuals, some of whom are parasites, anyway."

THE PRESIDENT: It is "most", according to my document.

SIR DAVID MAXWELL-FYFE: I beg Your Lordship's pardon, it is completely my fault, it should be "most"-"most of whom are parasites, anyway". A nation, however, which has to fight for a place in the sun must give them up. The intellectuals ruined France; in Germany they had already started their pernicious activities when National Socialism put a stop to these doings; they will surely be the cause of the downfall of Britain, which is to be expected with certainty."

Then it continues along the usual lines. That was on the 5th of April.

Then, the next stage; Within a month after the German armies invaded the Soviet Union, the 22nd of June,

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1941, Ribbentrop was urging his ambassador in Tokyo to do his utmost to cause the Japanese Government to attack the Soviet in Siberia, and that is proved by two documents which have already been put in, 2896-PS, which is United States Exhibit 155, a telegram to the German Ambassador in Tokyo, one Ott; and 2897-PS, No. 156, which is the reply from Ambassador Ott. Both of these were read by my friend Mr. Alderman, and I won't trouble the Tribunal again.

The next document, which is D-656, is a new document which I put in as GB 148. That was captured from the Japanese, and it is a message, intercepted, which was sent by the Japanese Ambassador in Berlin just before the attack on the United States. If I might just read one short extract from this Defendant's speech -- on the 29th of November, 1941, that is, roughly, a week before Pearl Harbor, this Defendant was saying this. It is in paragraph 1, and I will read it all because it is new:

"Ribbentrop opened our meeting by again inquiring whether I had received any reports regarding the Japanese-United States negotiations. I replied that I had received no official word.

"Ribbentrop: 'It is essential that Japan effect the New Order in East Asia without losing this opportunity. There never has been and probably never will be a time when closer cooperation under the Tripartite Pact is so important. If Japan hesitates at this time, and Germany goes ahead and establishes her European New Order, all the military might of Britain and the United States will be concentrated against Japan.

"'As Fuehrer Hitler said today, there are fundamental differences in the very right to exist between Germany and Japan, and the United States. We have received advice to the effect that there is practically no hope of the Japanese-United States negotiations being concluded successfully because of the fact that the United States is putting up a stiff front.

"'If this is indeed the fact of the case, and if Japan reaches a decision to fight Britain and the United States, I am confident that that will not only be to the interest of Germany and Japan jointly, but would bring about favorable results for Japan and herself.'"

Then the Ambassador replied:

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"I can make no definite statement as I am not aware of any concrete intentions of Japan. Is Your Excellency indicating that a state of actual war is to be established between Germany and the United States?"

The Defendant Ribbentrop: "Roosevelt's a fanatic, so it is impossible to tell what he would do."

Then: "Concerning this point, in view of the fact that Ribbentrop has said in the past that the United States would undoubtedly try to avoid meeting German troops, and from the tone of Hitler's recent speech, as well as that of Ribbentrop's, I feel that German attitude toward the United States is being considerably stiffened. There are indications at present that Germany would not refuse to fight the United States if necessary."

Then the next part, Section 2, is an extremely optimistic prognosis of the war against the Soviet Union. I don't think, in view of the date in which we are reading it, that I need trouble the Tribunalwith that.

There are then a few remarks about the intended landing operations against England, which I shall not read at this time.

If the Tribunal would go to Part 3, there again we get the international attitude of mind of this Defendant -- at the foot of page 2, part 3, and I am quoting:

"In any event, Germany has absolutely no intention of entering into any peace with England. We are determined to remove all British influence from Europe. Therefore, at the end of this war, England will have no infludnce whatsoever in international affairs. The Island Empire of Britain may remain, but all of her other possessions throughout the world will probably be divided three ways by Germany, the United States, and Japan. In Africa, Germany will be satisfied with, roughly, those parts which were formerly German colonies. Italy will be given the greater share of the African Colonies. Germany desires, above all else, to control European Russia."

And, after hearing this Defendant, the Ambassador said, and I quote:

"I am fully aware of the fact that Germany's war campaign is progressing according to schedule smoothly. However, suppose that Germany

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is faced with the situation of having not only great Britain as an actual enemy, but also having all of those areas in which Britain has influence and those countries which have been aiding Britain as actual enemies as well. Under such circumstances, the war area will undergo considerable expansion, of course. What is your opinion of the outcome of the war under such an eventuality?"

The Defendant Ribbentrop: "We would like to end this war during next year." That is, 1942. "However, under certain circumstances, it is possible that it will have to be continued on to the following year.

"Should Japan become engaged in a war against the United States"--

THE PRESIDENT (Interposing): You are going a little bit too fast.

SIR DAVID MAXWELL-FYFE: Too fast?

THE PRESIDENT: Apparently.

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SIR DAVID MAXWELL-FYFE: If your Lordship pleases, I am sorry. I will go back to the paragraph I have just finished.

The Defendant Ribbentrop--and I am still quoting.

"We would like to end this war during next year. However, under certain circumstances it is possible that it will have to be continued on into the following year.

"Should Japan become engaged in a war against the United States, Germany, of course, would join the war immediately. There is absolutely no possibility of Germany's entering into a separate peace with the United States under such circumstances. The Fuehrer is determined on that point."

That document associates this Defendant with the aggression by Japan against the United States in the closest possible way.

Another new document, which is also an intercepted diplomatic message, is the next one, D-657, which I put in as Exhibit GB-149. If I might read the first two sentences, they show what it is--and I quote.

The Japanese Ambassador says, "At 1 p.m. today--the 8th of December--I called on Foreign Minister Ribbentrop and told him our wish was to have Germany and Italy issue formal declarations of war on America at once. Ribbentrop replied that Hitler was then in the midst of a conference at general headquarters discussing how the formalities of declaring war could be carried out so as to make a good impression on the German people, and that he would transmit your wish to him at once and do whatever he was able to have it carried out promptly. At that time Ribbentrop told me that on the morning of the 8th"--that is, before the declaration of war--"Hitler issued orders to the entire German Navy to attack American ships whenever and wherever they might meet them.

"It goes without saying that this is only for your secret information."

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Then, as a matter of fact, as the Tribunal are aware, on the 11th of December, 1941, the Defendant Ribbentrop, in the name of the German Government, announced a state of war between Germany and the United States.

The next stage concerns his attempt to get Japan to attack the Soviet Union.

In Ribbentrop's conversations with Oshima, the Japanese Ambassador, in July 1942 and in March and April 1943, he continued to urge Japanese participation and aggression against the Soviet Union. This is shown in document 2911-PS, which has been put in as United States Exhibit 157 and already read, and document 2954-PS, which I now put in as GB-150. That is a new document, and if I may I will just indicate the effect of it by a very short quotation. This is a discussion between the Defendant Ribbentrop and Ambassador Oshima. It begins:

"Ambassador Oshima declared that he has received a telegram from Tokyo, and he is to report, by order of his Government, to the Reich Minister for Foreign Affairs the following:

"The suggestion of the German Government to attack Russia was the object of a common conference between the Japanese Government and the Imperial headquarters, during which the question was discussed in detail and investigated exactly. The result is the following: The Japanese Government absolutely recognizes the danger which threatens from Russia and completely understands the desire of its German ally that Japan on her part will also enter the war against Russia. However, it is not possible for the Japanese Government, considering the present war situation, to enter into the war. It is rather of the conviction that it would be in the common interest not to start the war against Russia now. On the other hand, the Japanese Government would never disregard the Russian question."

And then, in the middle of the next paragraph, this Defendant returned to the attack. The third sentence--it begins on the fourth line--says:

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"However, it would be more correct that all powers, allied in the Three Power Pact, would combine their forces to defeat England and America, but also Russia together. It is not good when one part must fight alone."

Then the pressure on Japan to attack Russia is shown again in the next document, 2929-PS, which was put in as United States Exhibit 159. And, in closing this part of the case if I may I will read that. It is very short.

"The Reichsminister for Foreign Affairs then stressed again that without any doubt this year presented the most favorable opportunity for Japan, if she felt strong enough and had sufficient anti-tank weapons at her disposal to attack Russia, which certainly would never again be as weak as she is at the moment"--the moment being 18 April 1943.

If the Tribunal please, that concludes my evidence on the second allegation dealing with aggressive war, and I submit that that allegation in the Indictment is more than amply proved.

The third allegation is that the Defendant Ribbentrop authorized, directed and participated in war crimes and crimes against humanity.

Of course I am considering this from the point of view of planning these crimes only. The execution of the crimes will be dealt with by my friends, my Soviet

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colleagues, but it is relevant to show how this Defendant participated in the planning ofsuch crimes.

I deal, first, with the killing of allied aviators; secondly, with the destruction of peoples in Europe; and thirdly, with the persecution of the Je

First, the killing of allied aviators:

With the increasing air raids on German cities in 1944 by the Allied Air Forces, the German Government proposed to undertake a plan to deter Anglo-American fliers from further raids on the Reich cities. In a report of a meeting at which a definite policy was to be established, there is stated what was the point of view that this Defendant Ribbentrop had been urging. That is in Document 735-PS, which I now put in as Exhibit GB-151. That is a discussion of a meeting at the Fuehrer's headquarters on the 6th of June, 1944. If I may, I will read the first paragraph:

"Obergruppenfuehrer Kaltenbrunner informed the Deputy Chief of West in Klessheim, on the afternnon of the 6th of June, that a conference on this question had been held shortly before between the Reich Marshal, the Defendant Goering; the Reich Foreign Minister, the Defendant Ribbentrop; and the Reichsfuehrer SS, Himmler. Contrary to the original suggestion made by the Reich Foreign Minister, who wished to include every type of terror attack on the German civilian population, that is, also bombing attacks on cities, it was agreed in the above conference that merely those attacks carried out with aircraft armament, aimed directly at the civilian population and their propert should be taken as the standard for the evidence of a criminal action in this sense. Lynch law would have to be the rule. On the contrary, there has bee no question of court martial sentence or handing over to the police."

That is, this Defendant was pressing that even where there was an attack on a German city, the air men should be handed over to be lynched by the crow The others were saying that that should be restricted to cases where there were attacks by machine guns, and the like, on the civilian population.

I don't think we need trouble with paragraph (a) of the statement of the Deputy Chief of WEST. The importance of (a) goes because Kaltenbrunner says that there were no such cases as were mentioned.

If you look at (b): "Deputy Chief of the WEST mentioned that apart from Lynch law, a procedure must be worked out for segregating those enemy

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aviators who are suspected of criminal action of this kind until they are received into the reception camp for aviators at Oberursel; if the suspicion was confirmed, they would be handed over to the SD for special treatment."

As I understand that, it is that if they weren't lynched under the first scheme, by the crowd, then they were to be kept from prisoners of war, where they would, of course, be subject to the protecting powers' intervention. And if the suspicion was confirmed, they would he handed over to the SD to be killed.

Then, in paragraph 3, we have what was decided as justifying the lynch law. Paragraph 3 says:

"At a cmference with Colonel von Brauchitsch, representing the C-in-C, Air Force, on the 6th of June, it was settled that the following actions were to be regarded as terror actions justifying lynch law:

"Low-level attacks with aircraft armament on the civilian population, single persons as well as crowds.

"Shooting our own men in the air who had bailed out.

"Attacks with aircraft armament on passenger trains in the public service

"Attacks with aircraft armament on military hospitals, hospitals, and hospital trains, which are clearly marked with the Red Cross."

These were to be the subject of lynching and not as this Defendant had suggested, a case where there was the bombing of a city.

Then on the next page, the last page of this document, we have a somewhat curious comment from the Defendant Keitel: "Remarks by the Chief of OKW on the agenda dated 6 June 1944." The number thereon is that of the document at which the Tribunal has just been looking. "Most secret; Staff Offices only."

"If one allows the people to carry out lynch law, it is difficult to enforce rules.

"Minister Director Berndt got out and shot the enemy aviator on the roa I am against legal procedure. It doesn't work out."

That is signed by Keitel.

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Then the remarks of the Defendant Jodl appear:

"This conference is insufficient. The following points must be decided quite definitely in conjunction with the Foreign Office:

"1. What do we consider as murder?

"Is RR in agreement with point 3b?

"2. How should the procedure be carried out?

"a. By the people?

"b. By the authorities?

"3. How can we guarantee that the procedure be not also carried out against other enemy aviators?

"4. Should some legal procedure be arranged or not?

Signed Jodl"

It is important, I respectfully submit, to note that this defendant, and the Foreign Office, were fully in on these breaches of the laws and usages of war, and indeed the clarity with which the Foreign Office perceives that there were breaches of laws and usages of war, is furthered by the next document which is 728-PS, which I now put in as GB-152. That is a document from the Foreign Office, approved of by the Defendant Ribbentrop and transmitted by one of his officials called Ritter; and the fact that it is approved by this defendant is specifically stated in the next document 740-PS, which I put in as GB-153. I don't think this document has been read before, and, therefore, again I would like to read just one or two passages in it. It begins:

"In spite of the obvious objections, founded on international law and foreign politics, the Foreign Office is basically in agreement with the proposed measures.

"In the examination of the individual cases, a distinction must be made between the cases of lynching and the cases of special treatment by the Security Service, SD.

"1. In the cases of lynching, the precise establishment of the circumstances deserving punishment, according to points 1-4 of the communication of 15 June, is not very essential. First, the German

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authorities are not directly responsible, since death had occurred, before a German official became concerned with the case. Furthermore, the accompanying circumstances will be such, that it will not be difficult to depict the case in an appropriate manner upon publication. Hence, in cases of lynching, it will be of primary importance correctly to handle the individual case upon publication.

"2. The suggested procedure for special treatment by the S.D. (Security Service) including subsequent publication, would be tenable only if GERMANY, on this occasion simultaneously would openly repudiate the commitment of International Law, presently in force, and still recognized by Germany. When an enemy aviator is seized by the Army or by the Police, and is delivered to the Air Forces (P.W.) Reception Camp Oberursel, he has received, by this very fact, the legal status of a prisoner of war.

"The Prisoner of War Treaty of 27 July 1929 establishes definite rules on the prosecution and sentencing of the Prisoner of War, and the execution of the death penalty, as for example in Article 66: Death sentences may be carried out only three months after the protective power has been notified of the sentence; in Article 63: a prisoner of war will be tried only by the same courts and under the same procedure as members of the German Armed Forces. These rules are so specific, that it would be futile to try to cover up any violation of them by clever wording of the publication of an individual incident. On the other hand the Foreign Office cannot recommend on this occasion a formal repudiation of the Prisoner of War Treaty.

"An emergency solution would be to prevent suspected fliers from ever attaining a legal Prisoner of War status, that is, that immediately upon seizure they be told that they are not considered Prisoners of War but criminals, that they would not be turned over to the agencies having jurisdiction over Prisoners of War; hence not go to a Prisoner of War Camp; but that they would be delivered to the authorities in charge of the prosecution of criminal acts and that they would be tried in a summary proceeding. If the evidence at the trial should reveal that the special

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procedure is not applicable to a particular case, the fliers concerned may subsequently be given the status of Prisoner of War by transfer to the Air Forces (P.W.) Reception Camp Oberursel.

"Naturally, not even this expedient will prevent the possibility that Germany will be accused of the violation of existing treaties and maybe not even the adoption of reprisals upon German prisoners of war. At any rate this solution would enable us clearly to define our attitude, thus relieving us of the necessity of openly having to renounce the present agreements or of the need of having to use excuses, which no one would believe, upon the publication of each individual case."

I don't want to take this in detail, but I ask the Tribunal to look at the first sentence of Sectinn 3:

"It follows from the above, that the main weight of the action will have to be placed on lynchings. Should the campaign be carried out to such an extent that the purpose, to wit: 'the deterrence of enemy aviators' is actually achieved, which goal is favored by the Foreign Office, then the strafing attacks by enemy fliers upon the civilian populations must be stressed in a completely different propagandist manner than heretofore."

I don't think I need trouble the Tribunal, but that shows quite clearly the defendant's point of view. If the Tribunal would look at the next document, it is stated at the beginning of the second paragraph:

"Ambassador Ritter has advised us by telephone on 29 June that the Minister for Foreign Affairs has approved this draft."

That is the position as to the treatment of aviators, where there is in my suggestion a completely cold-blooded and deliberate adoption of a procedure evading international law.

The second section is the Destruction of the Peoples in Europe. With regard to Poland, again I won't go into details, but I remind the Tribunal of the evidence of the witness Lahousen, which appears in the transcript, pages 618 and 619 on the 30th of November of last year, and on pages 713 to 716, when he was cross-examined on the 1st of December.

Secondly, Bohemia and Moravia: on the 16th of March 1939, there

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was promulgated the decree of the Fuehrer and Reichschancellor, signed by Ribbentrop, concerning the protectorate of Bohemia and Moravia. That is already in as Exhibit GB-8, Document TC-51. The effect of that was to place the Reich protector in a remarkable position of supremacy under the Fuehrer. The only part which I would

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like the Tribunal to have in mind is Article 5 and sub-article 2:

"It shall be the duty of the Reich protector as representative of the Fuehrer and Reichschancellor--

THE PRESIDENT: From which document are you reading?

SIR DAVID MAXWELL-FYFE: Article 5 (2).

THE PRESIDENT: Which document?

SIR DAVID MAXWELL-FYFE: I was reading actually from the file brief. It is Document 51, GB-8, page 2 at the bottom of the page. It begins:

"The Reich protector, as representative of the leader and chancellor of the Reich, and as commissioner of the Reich government, is charged with the duty of seeing to the observance of the political principles laid down by the leader and chancellor of the Reich.

"3. The members of the government of the protectorate shall be confirmed by the Reich protector. The confirmation may be withdrawn.

"4. The Reich protector is entitled to inform himself of all measures taken by the government of theprotectorate and to give advice. He can object to measures caluclated to harm the Reich, and, in case of danger, issue ordinances required for the common interest.

Then the promulgation of laws, etc., and the execution of administrative illegal jusgments shall be annulled if the Reich protector enters an objection.

As a result of this law, the two Reich protectors of Bohemia and Moravia, and their various deputies, were appointed, and then there were committed the various crimes, which will be detailed by my Soviet colleague.

Similarly, with regard to the Netherlands, on the 18th of May, 1940, a decree of the Fuehrer was signed by Ribbentrop concerning the exercise of governmental authority in the Netherlands; and that, which is Document 639, which I put in as GB-154, Section 1 says:

"The occupied Netherlands territories shall be administered by the "Reich Commissioner for the Occupied Netherlands Territories'....the Reich Commissioner is guardian of the interests of the Reich and vested with supreme civil authority.

"Dr. Arthur Seyss-Inquart is hereby appointed Reich Commissioner for the Occupied Netherlands Territories."

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On the basis of this decree, the Reich Commissioner (Seyss-Inquart)-- the Defendant Seyss-Inquart -- promulgated such orders as that of the 4th of July, 1940, dealing with the confiscation of property of those who had, or might have furthered activities hostile to the German Reich, and tentative arrangements were made for the resettlement of the Dutch population. This will be dealt with fully by my French colleague.

I simply for the moment, put in as a matter of reference, the general order of the Defendant Seyss-Inquart, which is GB-155, the document being 2921-PS. I don't intend to read it. I have summarized the effect of it and it will be dealt with more fully by my French colleagues.

I want the Tribunal to appreciate, with regard to these two matters, Bohemia and the Netherlands, the charge against this defendant is laying the basis and procuring the governmental structure under which the war crimes and crimes against humanity were directed.

I should also put in, if I may formally put in Exhibit GB-156, the discussion on the question of the Dutch population, which is contained in Document 1520-PS. Again I have explained it generally and I don't want to occupy time by reading it in full now.

Finally, I come to the persecution of the Jews. In December, 1938, the Defendant Ribbentrop, in a conversation with M. Bonnet, who was then Foreign Minister of France, expressed his opinion of the Jews. That was reported by the United States Ambassador, Mr. Kennedy, to the State Department. The report of Mr. Kennedy is Document L-205, which I now put in as Exhibit GB-157. If I might read to the Tribunal the second paragraph which concerns this point:

"During the day we had a telephone call from Berenger's office in Paris. We were told thatthe matter of refugees had been raised by Bonnet in his conversation with von Ribbentrop. The result was very bad. Ribbentrop, when pressed, had said to Bonnet that the Jews in Germany without exception were pickpockets, murderers and thieves. The property they possessed had been acquired illegally. The German Government had therefore decided to assimilate them with the criminal elemants of the population. The property which they had acquired illegally would be taken from

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them. They would be forced to live in districts frequented by the criminal classes. They would be under police observation like other criminals. They would be forced to report to the police as other criminals were obliged to do. The German Government could not help it if some of these criminals escaped to other countries which seemed so anxious to have them. It was not, however, willing for them to take the property which

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had resulted from their illegal operations with them. There was in fact nothing that it could or would do."

That succinct statement of this defendant's views on Jews is elaborated in a long document which he had sent out by the Foreign Office, which is numbered 3358-PS, which I put in as Exhibit 158. I don't want to read the whole of that document because it is excessively dreary. It is also an excessively clear indication of the defendant's views on the treatment of Jews; but if the Tribunal would look at, first of all, page 3, it is headed, "The Jewish Question As A Factor In German Foreign Policy" in the year 1938",

After the four divisions the document goes on to say:

"It is certainly no coincidence that the fateful year 1938 has brought nearer the solution of the Jewish question simultaneously with the realization of the 'idea of Greater Germany', since the Jewish policy was both the basis and consequence of the events of the year 1938."

That is alborated. If the Tribunal will turn over to page 4 at the beginning of the second paragraph, you will see the first sentence:

"The final goal of German-Jewish policy is the emigration of all Jews living in Reich territory.

Then that is developed at great length through a large number of pages. If the Tribunal would turn to the foot of page 7, it goes on to say:

"These examples from reports from authorities abroad can, if desired, be amplified. They confirm the correctness of the expectation, that criticism of the measures for excluding Jews from German lebensraum, which were misunderstood in many countries for lack of evidence, would only be temporary and would swing in the other direction the moment the population saw with its own eyes and thus learned, what the Jewish danger was to them. The poorer and therefore the more burdensome the immigrant Jew to the country absorbing him, the strongerthis country will react and the more desirable is this effect in the interest of German propaganda. The object of this German action is to be the future international solution of the Jewish question, dictated not by false compassion for the 'United Religious Jewish minority' but by the full consciousness of all peoples

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of the danger which it represents to the racial composition of the nations.

The Tribunal will appreciate that this document was circulated by the defendant's ministry, widely circulated to all senior Reich authorities and to numerous people before the war on the 25th of January, 1939, just after the statement to M. Bonnet. Apparently the anti-Semitism of the defendant went from - I was going to say from strength to strength, at any rate from exaggeration to exaggeration, because in June, 1944, the Defendant Rosenberg made arrangements for an international anti-Jewish Congress to be held in Krakow on the 11th of July, 1944. The honorary members were to be von Ribbentrop, Himmler, Goebbels, and Frank - I think the Defendant Frank. The Foreign Office was to take over the mission of inviting prominent foreigners from Italy, France, Hungary, Holland, Arabia, Iraq, Norway etc. in order to give an international aspect to the Congress. However, the military events of June, 1944 prompted Hitler to call off the Congress which had lost its significance by virtue of the allied landing in Normandy.

That is contained in Document 1752-PS, GB-159. At the foot of page 1, the Tribunal will see the following had been entered as honorary members - Reich Foreign Minister Joachim von Ribbentrop. So that there is no doubt that this defendant was behind the program against the Jews, which resulted in the placing of them in concentration camps with anyone else opposed to the Nazi way of life, and it is submitted that he must have, as a minister in special touch with the head of the government, known what was going on in the country and in the camps. One who preached this doctrine, and was in a position of authority, cannot, I submit, to anyone who has had any material experience, suggest that he was ignorant of how the policy was carried out.

That is the evidence on the third allegation and I submit, by the evidence which I have recapitulated to the Tribunal, the three allegations are proved.

With regard to the second, Hitler's own words were:

"In the historic year of 1938 the Foreign Minister, von Ribbentrop, was of great help to me, in view of his accurate and audacious judgment

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and the exceptionally clever treatment of all problems of foreign policy."

During the course of the war, this defendant was in close liaison with the other Nazi conspirators. He advised them and made available to them in his foreign embassies and legations abroad, information which was required and at times participated, as I had shown, in the planning of war crimes and crimes against humanity.

It is submitted that all the allegations which were read from Appendix A of the indictment are completely proved against this defendant. I only wonder if the Tribunal will allow me to add one fact on behalf of the British delegation. In the preparation of these briefs we have received great assistance from certain of our American colleagues, and I should like to thank once, but nonetheless heartily, on behalf of all of us, Dr. Kempner's staff: Captain John W. Auchincloss, Lieutenants Richard Heller and Frederick Felton, Captain J. Robert Claggett and Captain Norman Stoll, and Mr. Karl Lachmann for the great help they have been to us.

THE PRESIDENT: We will adjourn now for ten minutes.

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DR. SEIDL: May it please the Tribunal, I have to make a motion.

THE PRESIDENT: On behalf of whom is your motion?

DR. SEIDL: Dr. Seidl, defense Counsel for the defendant Frank.

I want to make a motion which conerns the prosecution of the person Frank. The Charter of the Tribunal contains, in Paragraph 4, regulations for the procedure, and in Paragraph 16 it has been ruled that the rights of the defendants shall be protected in such manner. The defense must have all particulars of the facts of the Prosecution which can be had. A copy of the Prosecutions facts, with all documents pertaining to it, must be submitted to the defendant, in the language which is known to him, at a certain time before the proceedings start.

At the beginning of the trial the defendant Frank was handed a copy of the Prosecution. This is a copy which was read at the first day. This is, if I may say so, a general indictment. All actions are listed which, according to the opinion of the signatories of the London Conference, are looked at as crimes against peace--crimes of war. The Indictment does not contain in particular the criminal actions of each defendant. I am now thinking about positive actions, or concrete actions, or missions.

This morning I received a document. It has the title "The defendant Hans Frank, for Crimes against the Peace, or Crimes against Humanity"--in other words, in German the personal responsibilities of the defendant Frank for crimes against the peace and criminal actions or war and crimes against humanity. This document is without any table of contents. It is thirty pages long, typewritten pages. In addition to this document, or Indictment, as I like to call it, another document book has been given to me, which book contains documents concerning Frank. The first document, as well as the second document, are not in German but in English. This first document is, in reality, what I would call the indictment against Frank, because here in this document, which is thirty pages long, for the first time the individual activities of Frank are listed which are looked upon as criminal actions. At least, one ought to say that this document is an essential part of the Indictment.

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THE PRESIDENT: Interrupting you, the Tribunal has already expressed its desire that a motion such as this should be made in writing. The Tribunal considers that a motion of the sort which you are making made orally is a waste of the Tribunal's time. It therefore desires you to put your motion in writing. It will then be considered.

DR. SEIDL: May I say something to this, your Honor? I regretted myself that I must make this motion at this point, but I was not able to make this motion in writing beforehand because I only received this document two and a half hours ago. My motion is confined to asking the Prosecution that these two documents be given to the defendant Frank in the German language.

THE PRESIDENT: The Tribunal hasn't got the documents to which you are referring, but it is quite impossible for us to understand the motion you are making unless you make it in writing and attach the documents or in some other way describe or explain to us what the documents are. We haven't got the documents that you are referring to.

DR. SEIDL: I will, then, make my motion in writing.

THE PRESIDENT: Mr. Roberts, can you explain to me what counsel who just spoke is complaining about?

MR. ROBERTS: I gather he was complaining that the trial brief and the document book which had been served on his client, Frank, were in English and not in German.

THE PRESIDENT: Who is dealing with the case against Frank?

MR. ROBERTS: It is being dealt with by the United States.

THE PRESIDENT: Perhaps I had better ask Colonel Storey, then.

COLONEL STOREY: If the Tribunal please, I think what counsel is referring to is the practice we have made of delivering in advance a copy of the document book and a copy of the trial brief. In this particular instance I happen to know that what counsel refers to is the trial address, which he intends to read over the microphone, and as a courtesy to counsel they have been delivered in advance of the presentation, just like the

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other document books and briefs against the other individual defendants. That is what it is, as I understand it.

THE PRESIDENT: The documents which will be presented against the defendant Frank will be all translated?

COLONEL STOREY: I am sure they are, yes, sir. I don't know about the individual case, but the instructions are that the documents will have two photostats, each one in German, plus the English translation, for counsel, and that is what has been delivered, plus the trial address, if your Honor please. We handed that to him in advance -- what the attorney will read over the microphone.

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THE PRESIDENT: Colonel Storey, I thought the Tribunal ordered, after consulting the prosecutors as to the feasibility of the scheme, that sufficient translators should be supplied to the defendant's counsel so that such documents, if in the English language, as trial briefs might be translated to defendant's counsel. You will remember it was suggested that at least four translators, I think, should be supplied to the defendant's counsel.

COLONEL STOREY: If the Tribunal will recall, I think this is what finally was decided: that document books and briefs could be submitted in English and the photostatic copies submitted to defendant's counsel, and that if they wanted additional copies of the German, then they so request them and they would be furnished. I think that is what the final order was.

THE PRESIDENT: There was, at any rate, a suggestion that translators should be ordered to translate such documents as trial briefs.

COLONEL STOREY: That is correct, yes, sir, and whenever counsel wanted more copies they would request them and they would be available for them. The translator's translation of the photostats would be available if they requested them.

Were there anyother questions, your Honor?

THE PRESIDENT: Do you mean that translators have not been supplied to defendant's counsel?

COL. STOREY: If your Honor pleases, as I understand, the defendants' information center is now under the jurisdiction of the Tribunal, and my information is -- I would like to check it -- that when they want extra copies all they have to do is ask for them and they may obtain them, and sufficient translators are available to provide the extra copies if they want them. That ismy information. I haven't checked it in the last few days, but sufficient copies in English are furnished for all counsel, and these briefs and document books are furnished to them in advance. In this case I am told that the document book and the briefs were furnished.

THE PRESIDENT: Yes.

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DR. FRITZ SAUTER (Counsel for Defendant Ribbentrop, Funk and von Schirach):

You may be assured that we, defense counsel, do not like to take the time of the Tribunal for such discussions. We, of the defense counsel would rather avoid these issues ourselves. But the question which has been touched upon by my colleague is really very disagreeable to us and makes our work very difficult for us.

You understand, it does not help us any if agreements are made or regulations are ruled upon and the practice is entirely different.

Last night we received a big volume of documents --

THE PRESIDENT: You are going too fast.

DR. SAUTER: -- all documents being in English. Now, at night in prison we are supposed to talk with our defendants. This is made much more difficult now. We will have to talk about documents which are all in English and at great length and this is practically impossible. We receive these documents, of course, always in English before the trial, and it is completely impossible, even if we could speak English very well, to prepare ourselves adequately.

The same thing is true of the trial addresses, with the Indictment. I do not know whether the Indictments, as we have them for each defendant, are the same.

THE PRESIDENT: Nearly every document which has been referred to in this branch of the case, which has been presented by Mr. Albrecht and by Sir David Maxwell-Fyfe, are documents which have been referred to previously in the trial and which must have been before the defense counsel for many days, for weeks, and therefore, there can be no lack of familiarity with those documents. The number of documents which have been referred to which are fresh documents, are very few indeed and the passages in them, which are now being put in evidence, are all read over the microphone and therefore are heard by defense counsel in German and can be studied by German counsel tomorrow morning in the transcript of the shorthand notes. I do not see, therefore, what hardship is being imposed upon German counsel by the method which is being adopted.

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You see, the counsel for the Prosecution, out of courtesy to counsel for the defendants, have been giving them their trial briefs in English beforehand. But there is no strict obligation to do that and in so far as the actual evidence is concerned, all of which is contained in documents, as I have already pointed out to you, the vast majority of those documents have already been put in many days ago and have been in the hands of German counsel ever since, in the German language and also the documents which are now put in.

DR. SAUTER: No, this is not true, your Honor. Mr. President, thatis not true. This is the complaint which we, of the defense counsel, have been talking about amongst ourselves. We have always repeated that we do not receive German documents. You may be assured, Mr. President, if that were so, as you seem to be of the opinion, none of us would approach the microphone. We would all be very grateful but it really is not so.

THE PRESIDENT: Dr. Sauter, surely when you have a reference to a German document that German document is available to you in the Information Center. And as these documents have been put in evidence, some of them as long ago as the 20th of November or shortly thereafter, surely there must have been adequate time for defense counsel to study them.

DR. SAUTER: Well, for instance this morning I received a volume on Funk. I have no idea when Funk's turn will be up; it might be tomorrow. It is completely impossible for me to study this volume of English documents when I come to the prison at night to study it. It is physically impossible for me to do this and I would be able to work through it if it were in German. But it is impossible for me to do this at night, at 9 o'clock or half past nine, at such a time to start working on such a volume. It is absolutely impossible for us.

THE PRESIDENT: You see, Dr. Sauter, it is not as though you have to cross-examine witnesses immediately after the evidence is given. The documents are put in and it is not necessary for you then to get up and argue upon the interpretation of those documents. You will have, I regret to say, a considerable time before you will have to get up and call your own evidence and ultimately to argue upon the documents, which are now

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being put in. Therefore, it is not a question of hours, it is a question of days and weeks before you will have to deal with these documents, which are now being put in. And I really do not see that there is any hardship upon defendant's counsel in the system which is being adopted.

You willnot forget that the rule, which in a sense penalizes the Prosecution, is that every document which is put in evidence and every part of the document which is put in evidence, has got to be reviewed in open Court, in order that it should be translated over the earphones and then shall get into the shorthand notes.

I am told that the shorthand notes are not available in German the next morning but are only available some days afterwards. But it is ultimately available in German. And therefore, every defendant's counsel must have a complete copy of the shorthand notes, at any rate up to the recess and that contains all the evidence that has been given against the defendants and it contains it in German.

DR. SAUTER: Mr. President, that which is most dear to us is what we have already asked for many weeks ago; that the document or at least that part of the document read, would be given to us in German translation. It is very difficult for us, even if we have the text in English, to work on the documents during the time they are at our disposal. It is impossible for any of us to do this. That is the reason we regret that our wish to get the documents in German is not being taken into consideration.

We are very grateful for everything you are doing for us and we are very sorry that we do have to keep insisting

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on this request but it is very difficult for us to work this way.

The last word I wish to say is that the conditions are really very difficult for us.

THE PRESIDENT: Dr. Sauter, I am most anxious and the other members of the Tribunal are most anxious that every reasonable facility should be afforded to the defendants and their counsel. But, as I have pointed out to you, it is not necessary for you, for any of you, at the present moment, to get up and argue upon these documents which are now being put in. By the time that you have to get up and argue upon the documents which are now being put in, you will have had ample time in which to consider them in German.

DR. SAUTER: Thank you, sir.

DR. BABEL: (Counsel for the SS): I have repeatedly asked to receive copies of everything that will be presented in English. Today, after the prosecution, after the -- at that time the Document Book had been presented at the time of the Indictment against the SA there were several photostats. It was not thought that we could get the German translations right afterwards and it is also not so that we can get the minutes always the next day or the day after; that it is at our disposal to be read at that time.

THE PRESIDENT: We are not dealing with the SA or the organizations at the present time. If you have any motion to make, you will kindly make it in writing and we will now proceed with the part of the trial with which we are dealing.

DR. BABEL: Mr. President, will you permit me one more remark? The minutes of December 18 and 19, 1945, I have received today.

THE PRESIDENT: Do you mean the transcript?

DR. BABEL: The German transcript from the 18th and 19th of December 1945, I have received today. You see, it is not a fact that we receive the transcript the day after or only a few days after the meeting. I only received it after I asked for it repeatedly. I have repeatedly asked, from everybody who is concerned with it, to give me a translation, a German

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translation of the Document Book, but I still have not got it.

THE PRESIDENT: We will inquire into that.

One moment. Will the last counsel who was speaking stand up?

(DR. BABEL arose)

THE PRESIDENT: I am told that is a special case; that the reason for the delay in the case you have mentioned was that there had been an error in the paging and therefore, the transcript of those shorthand notes had to be recopied. I understand that the delay ordinarily isn't anything like so long as that delay.

DR. BABLE: But I hardly believe that this postponement, this delay, is also concerned with the translation of the Document Book. But even if the delay in that case is justified, I will behampered in my defense from week to week because I do not know what has been said weeks before and I do not know afterwards what has been said and I am therefore not in a position to begin with my defense and I still do not know what is contained in the Document Book. I am, in every way, hampered in my defense.

The Prosecution always says that the documents will be presented in good time. This is, apparently, not the case.

THE PRESIDENT: Perhaps you will kindly make your complaint in writing and give the particulars of it. Do you understand that?

DR. BABLE: Yes, I do.

THE PRESIDENT: Very well.

MR. GEOFFREY ROBERTS, K.C.: May it please the Tribunal:

It is my duty to present the evidence against Keitel and also against the Defendant Jodl and I would ask the Tribunal for permission, if it is thought right, the two cases should be presented together in the interests of saving time, a matter which I know we all have at heart.

The story with regard to Keitel and Jodl runs on parallel lines. For the years in question they marched down the same road together. Most of th documents affect them both and in those circumstances, I submit, it might result in a substantial saving of time if I were permitted to present the

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case against both of them together.

THE PRESIDENT: Yes.

MR. ROBERTS, K.C.: Then I shall proceed, if I may, on that basis.

My Lords, may I say, that I fully recognize that the

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activities of both these defendants have been referred to in detail many times and quite recently by Colonel Taylor and my earnest desire is to avoid repetition as far as I possibly can. And may I say, I welcome any suggestions, as I travel the road, which the Tribunal have to make, to may my presentation still shorter.

There is a substantial Document Book, Document Book Number 7, which is a joint Document Book, dealing with both the defendants. Practically all the documents in that book have already been referred to. They nearly all, of course, have a German origin. I only propose to read passaged from nine new documents and those nine documents, I think, are shown in your Lordship's bundles and in the bundles of your colleagues.

My I commence by referring as shortly as may be possible, to the part of the Indictment which deals with the two defendants. That will be found on page 33 of the English translation. I begin with "Keitel" in the middle of the page, and it says:

"The defendant Keitel between 1938 and 1945 was --" the holder of various offices. I only want to point out there, that although the commencing date is 1938, the Prosecution relies on certain activities of the Defendant Keitel before 1938 and we submit that we are entitled so to do because of the general words appearing on page 28 of the Indictment, at the head of the Appendix:

"The statement hereinafter set forth following the name of each individual defendant constitute matters upon which the prosecution will rely inter alia as establishing the individual responsibility of the defendants: --"

And then the Tribunal will see: "Keitel used the foregoing positions, his personal influence and his intimate connection with the Fuehrer in such a manner that: he promoted the military preparations for war set forth in Count One of the Indictment --" if I may read it shortly -- he participated in the planning and preparation for wars of aggression and in violation of treaties; he executed the plans for wars of aggression and wars in violation of treaties and he authorized and participated in war crimes and crimes against humanity.

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Then the Defendant Jodl between 1932 and 1945 was the holder of various positions. He "used the foregoing positions, his personal influence, and his close connection with the Fuehrer in such a manner--" and this is not to be found in the text relating to Keitel -- "he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany --."

May I say, my Lords, here, that I know of no evidence at the moment to support that allegation that he promoted the Nazi rise to power before 1933. There is plenty of evidence that he was a devoted, almost a fanatical admiere of the Fuehrer, but that, I apprehend, would not be enough.

And then it is alleged against Jodl that he promoted the preparations for war; he participated in the planning and preparation of the war and that he authorized and participated in war crimes and crimes against humanity.

My Lords, with regard to the position of the Defendant Keitel, it is well-known that in February of 1938 he became Chief of the OKW, Supreme Commander of all the Armed Forces and that Jodl became Chief of the Operations Staff and that is copiously proved in the shorthand notes and on the documents. Perhaps I ought to refer to his position in 1935, at the time when the reoccupation of the Rhineland was first envisaged. Keitel was head of the Wehrmacht in the Reich War Ministry and that is proved by a document, 3019-PS, which is to be found in "Das Archiv", and I ask the Court to take judicial notice of that. It is not in the bundle.

Jodl's positions have been proved by his own statement, which is 2865-PS, which is also U.S. 16 and in 1935 he held the rank of Lieutenant Colonel, Chief of the Operations Department of the Landesverteidigung.

May I just refer to the pre-1938 period, that is the pre-OKW period -- to two documents, one of which is new. The first document I desire to mention, without reading it, is EC 177. It is U.S. 390. My Lords, these are the minutes, shortly after the Nazi rise to power, of the Working Committee of the delegates for Reich Defense. The date is the 22nd

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of May, 1933. Keitel presided at that meeting. The minutes have been read. There is a long discussion as to the preliminary steps for putting Germany on to a war footing. Keitel regarded the task as most urgent; that so little had been done in previous years and perhaps the Tribunal will remember the most striking passage where Keitel impressed the need for secrecy, documents must not be lost, oral statements can be denied at Geneva.

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And I will submit, if I may be allowed to make this short comment, it is interesting to see in those very early days, 1933, that the heads of the armed forces of Germany concentrated using lying as a weapon.

My Lord, the next document I desire to refer to is a new one, and it is EC-405. I desire to refer to this shortly because in my submission it fixes Jodl with knowledge and complicity of return to reoccupy Rhineland country, contrary to the Versailles Treaty. The Tribunal will see that these are the minutes of the Working Committee of the Reich Defense Council, dated the 26th of June, 1935.

The Court will see that a quarter way down the page, Subparagraph F, Lt. Colonel Jodl gives a dissertation on mobilization preparation, and it is only the fourth and fifth paragraphs on that same page that I desire to read, the last paragraph but one from the bottom:

"The demilitarized zone requires special treatment. In his speech of th 21st May and other utterances, the Fuehrer has stated that the stipulations of the Versailles Treaty and the Locarno Pact regarding the demilitarized zone are being observed. To the Aide memoire of the French Charge d'affaires on recruiting offices in the demilitarized zone, the Reich Government has replied that neither civilian recruiting authorities nor other offices in the demilitarized zone have been entrusted with mobilization tasks such as the raising, equipping, and arming of any kind of formations for the event of war or in preparation therefor.

"Since political entanglements abroad must be avoided at present" -- I stress the "at present" -- "only those preparatory measures that are urgently necessary may be carried out. The existence of such preparations or the intention of them must be kept in strictest secrecy in the zone itself as well as in the rest of the Reich."

My Lord, I needn't read more. I submit that fixes Jodl clearly with knowledge of the forthcoming breach of Versailles.

My Lord, the day before the Rhineland was reoccupied on the 7th of March, 1936, the Defendant Keitel issued the directive which has been read before, C-194, U.S. 55, ordering an air reconaissance and certain U-Boat movements in case any other nation attempted to interfere with that reoccupation.

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My Lords, I pass now to the 4th of February, 1938, when the OKW was formed. My Lords, shortly after its formation there was issued a handbook which is a new exhibit, from which I want to read short passages. The number of the exhibit is 211. It is GB-161.

THE PRESIDENT: L-211?

MR. ROBERTS, K.C: L-211, My Lord, and you should find it nearly at the end of the book. Now, this is dated 19 April 1938, "Top Secret for Commanders only. Direction of War as a Problem of Organization." I only read from the appendix which is entitled, "What is the War of the Future?" and if the Court will kindly turn over to the second page, I am going to read 12 lines from the bottom of the page, the line beginning "Surprise". "Surprise which must be the premise for quick initial success will often require hostilities to begin before mobilization has been completed or the armies are fully in position.

"A declaration of war is no longer necessarily the first step at the start of a war.

"The normal rules of war towards neutral nations may be considered to apply only on the basis of whether the operation of these rules will create greater advantages or disadvantages for the warring nations."

It may, of course, be said that those were only theoretical words and they might apply to any other nation who might be minded to make war on Germany. The Court can use its judicial notice of the conditions of things in Europe in 1938 and ask itself whether Germany had any potential aggressor against her.

But, My Lord, I emphasize that passage because I submit it so clearly envisages exactly the way in which Germany did make war in 1939 and in the subsequent years.

My Lord, I now start to tread the road which has been trodden for many times, and which will be trodden so many times again, the road from 1938 and 1941 to the final act of aggression. But I believe that I can treat this, so far as Keitel and Jodl are concerned, in a very few sentences because I submit that the documents which are already in, which have been read and re-read into the record, demonstrate quite clearly that Keitel, as would only be

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expected, he being Chief of the Supreme Command of all the Armed Forces, and Jodl, as only would be expected also, he being Chief of the Operations Staff, were vitally and intimately concerned with every single act of aggression which took place successively against the various victims of Nazi aggression.

My Lord, you should have in front of you the document book and the trial brief in which those documents are set out under the heading. If I might take first the aggression against Austria, your Lordship will remember in Jodl's diary on the 12th of February, 1938 how Keitel, who was something more than a mere soldier, put heavy pressure upon Schuschnigg -- that is 1780-PS, Jodl's diary -- how on the following day, Keitel writes to Hitler, 1775-PS, USA 75, suggesting the shamming of military action and the spreading of false but quite credible news, as it has been translated.

Then, the actual operation orders for Operation Otto, U.S. 74, 75, and 77, all of the 11th of March, 1938, are OKW orders for which Keitel is responsible.

THE PRESIDENT: What are the numbers of them?

MR. ROBERTS, K.C: My Lord, C-102, C-103, and C-182. One of them is actually signed or initialled by Keitel, and two are initialled by Jodl. Those are the operation orders for the advance into Austria, the injunction, if the Tribunal remembers, to treat Czech soldiers as hostile and to treat the Italians as friends.

My Lord, that is the first milestone on the road, the occupation of Austria. My Lord, the second is, is it not --

THE PRESIDENT (Interposing): Well, perhaps if you are going off to another, we had better adjourn now until 2:00 o'clock.

(Whereupon at 1245 hours the hearing of the Tribunal adjourned to reconvene at 1400 hours.)

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Official Transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 9 January 1946, 1400-1700, Lord Justice Lawrence, presiding.

MR. ROBERTS, K.C.: May it please the Tribunal: I had got to the commencement of the aggression against Czechoslovakia, and the Tribunal will remember that the leading Exhibit on that matter is the file 388-PS, US 26, the "Fall Gruen" file. My Lords, that file, in my submission, contains copious evidence against both Keitel and Jodl, showing that they were taking the natural part of the chief of the supreme command of the armed forces and the head of the operations staff.

May I remind the Tribunal of Item 2. I don't want to read any of these. I might just refer to them. That is notes of a meeting on the 21st of April 1938. The important thing to notice is that Keitel and the Fuehrer met alone, showing the intimate connection between Keitel and the Fuehrer. And it was at that meeting that preliminary plans were discussed, including the possibility of an incident, namely, the murder of the German ambassador at Prague.

Item 5 in that file, dated the 20th of May, 1938, shows the plans for the political and the military campaign against Czechoslovakia, issued by Keitel.

Item 11, dated the 30th of May, 1938, is the directive signed by Keitel for the invasion of Czechoslovakia, with the date given as the 1st of October, 1938.

There are many items which are initiated by Jodl; Item 14 and Item 17, to mention only two.

Perhaps, for the purpose of the note, I should mention the others, Items 24, 36, and 37.

There is the directive, Item 31 and 32, dated 27th of September, 1938 signed by Keitel, enclosing orders for secret mobilization.

Jodl's diary, 1780-PS, contains many references to the forthcoming aggression, particularly the 13th of May and the 8th of September, and

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and there is a very revealing entry on the 11th of September in Jodl's diary, 1780-PS, in which he says:

"In the afternoon, conference with the Secretary of State".

THE PRESIDENT: Will you give us the date?

MR. ROBERTS, K.C.: I beg your Lordship's pardon; 11th of September, 1938, that is.

"In the afternoon, conference with Secretary of State Jahnke, from the Ministry of Public Enlightenment and Propaganda, on the imminent common tasks. The joint preparations for refutation of our own violations of international law and the exploitation of its violations by the enemy were considered particularly important."

I emphasize those words, "our own violations of international law."

My Lords, as a result of that conference, the Document C-2, which was referred to by my learned leader, Sir David, was prepared, which the Tribunal will remember has in parallel columns the possible breach of international law and the excuse which is then going to be given for it. It was referred to so recently that I needn't refer to it again.

My Lords, I respectfully submit, on that branch of the case, that there is an overwhelming case that Keitel and Jodl played an important, indeed, a vital part, in the aggression against Czechoslovakia, which led up to the Pact of Munich.

My Lords, after the Pact of Munich was signed, as has been pointed out many times, the Nazi conspirators at once set about preparations for annexing the remainder of Czechoslovakia.

My Lord, at this point Jodl disappears from the scene for a time, because he goes to do some regimental soldiering as artillery general in Austria -- artillery general of the 44th Division -- and so it cannot be said that there is any evidence against him from the Munich Pact until the 23rd of August, 1939, when he is recalled on the eve of the Polish invasion to take up his duties once more as chief of the operational staff of OKW.

So far as Keitel is concerned, on the 21st of October, 1938, less than a month after the Munich Pact, he countersigned Hitler's order to

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liquidate the rest of Czechoslovakia and to occupy Memel - Document C-136, US 104.

On the 24th of November, 1938, C-137, GB-33, Keitel issues a memorandum about the surprise occupation of Danzig.

On the 17th of December, 1938, C-138, US 105, he signs an order to the lower formations, "prepare for the liquidation of Czechoslovakia." Those preparations were made.

On the 15th of March, 1939, Keitel, who, I again repeat, was more than a mere soldier, was present at the midnight conference between the Fuehrer and Hacha, President of Czechoslovakia, when, under a threat of bombing Prague, Hacha surrendered the rest of his country to the Germans, I refrain from referring to the contents of the minutes, which have been read many times already.

My Lords, so that milestone is past. And again I submit, in all that aggression, it's clear that Keitel was playing a vital part as Hitler's right-hand man, commanding all the armed forces under him.

I now passto the Polish aggression. Keitel was present at the meeting at the Chancellory on the 23rd of May, 1939, L-79, US 27, when it was said, quoting just a few words, so familiar: Danzig was not the subject of the dispute; Poland was to be attacked at the first suitable opportunity; Dutch and Belgian air bases must be occupied; declarations of neutrality were to be ignored.

The directive for "Fall Weiss", the invasion of Poland, is C-120A, GB 41. The date is the 3rd of April, 1939. The Tribunal will remember the plans were to be submitted to OKW by the 1st of May, and the forces were to be ready for invasion by the 1st of September. And that directive is signed by Keitel.

C-126, GB 45, is a follow-up of that previous directive. It's dated the 22nd of June, 1939. The need for camouflage is emphasized, and it is stated, "don't disquiet the population." That is signed by Keitel.

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On the 17th of August 1939, 795-PS, GB 54, Keitel has a conference with Admiral Canaris about the supplying of Polish uniforms to Heydrich, and it will be noticed in the last paragraph of the note that Admiral Canaris is against the war, and Keitel argues in favor of it. And Keitel made the prophecy that Great Britain would not enter the war.

I submit that Keitel's vital part, again, in the preparation for the aggression against Poland, is clearly established beyond possibility of dispute.

Jodl, as I have said to the Tribunal, was recalled on the 23rd of August, as seen in his diary entry, 1780-PS, where he says that he is recalled to take charge of the operations staff. He says -- 1780-PS-- "received order from armed forces high command to proceed to Berlin and take over position of chief of armed forces executive office." And then: "1100 hours to 1330 hours--discussion with chief of armed forces high command. X-Day has been announced for the 26th of August. Y-Time has been announced for 0430 hours." And I submit that the Tribunal can infer the importance of Jodl to this conspiracy from the fact that on the eve of the war he is recalled to Berlin to take his place at the head of the operational staff of the supreme command.

So Poland was invaded, and before I pass to the next aggression may I just point out that, according to the evidence of General Lahousen, if the Tribunal accepts it on this point, Keitel and Jodl were in the field with Hitler on the 10th of September, 1939. That is a shorthand note, page 617 and 18. I don't suppose there will be any dispute that the head of the high command and the chief of his operationsl staff were in the field.

My Lord, I pass now to Norway and Denmark. So far as both are concerned, we see from C-54, GB 86, that on the 12th of December, 1939, Keitel and Jodl were both present at Hitler's conference with Raeder, when the invasion of Norway was discussed, and Keitel's direct responsibility to those operations is shown, in my submission, by C-63, GB 87, in which Keitel says that the operations against Norway will be under my direct

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and personal guidance. And he sets up a planning staff of OKW for the carrying out of those operations.

Jodl's knowledge and complicity, in my submission, is clearly shown also from the entries in his own diary--1809-PS. That is the second part of his diary. And the Tribunal will remember the entry of the 13th of March, 1940, in which he records that the Fuehrer was still looking for an excuse for the "Weser" operations. That is the 13th of March, My Lord, 1809-PS.

THE PRESIDENT: Yes. The date I have got is the 3rd.

MR. ROBERTS, K.C.: Page 5 of that actual Exhibit of 13th of March, according to my copy.

THE PRESIDENT: Yes, I see.

MR. ROBERTS, K.C.: The Duehrer does not give the order yet for "Weser". He is still looking for an excuse.

And then, on the 14th of March, "Fuehrer has not yet decided what reason to give for "Weser" exercise, which, in my submission, if I may be allowed to make a short comment, shows up in a lurid light the code of honor of the military leaders of Germany--still looking for an excuse.

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My Lord, and then, as we know, Norway was attacked unawares, and then lying excuses were given.

My Lord, the invasion of the Low Countries and Luxembourg equally, in my submission, is clearly shown by the documents to have been controlled and directed by Keitel with Jodl's assistance. The Tribunal already have a note of the conference in May of the lands to be occupied, L-79, C-62, GB-106. This is a directive, signed Hitler, on the 9th of October, 1939, and another directive, signed Keitel, on the 15th of October.

THE PRESIDENT: What letter?

MR. ROBERTS K.C.: My Lord, C-62.

THE PRESIDENT: C-62.

MR ROBERTS: Which comprises two documents, the 9th of October and 15th of October, two directives, one signed Hitler, and one signed Keitel, both giving orders for the occupation of Holland and Belgium.

My Lord, C-10, GB-108, dated the 8th of November, are Keitel's operation orders for the 7th Parachute Division to make an airborne landing in the middle of the Hague.

44-PS, GB 107, dated the 20th of November, 1939, signed Keitel, a further directive for the invasion of Holland and Belgium.

C-72, GB-109, 7th of November 1939, the 10th of May, 1940, 18 letters, 11 signed by Keitel, 7 signed by Jodl: The Fuehrer is postponing A-Day because of the weather.

My Lord, Jodl's diary is also eloquent on that subject. That is 1809-PS. Several entries, perhaps I need not refer to again, relating to these forthcoming operations, culminating with the one on the 8th of May, which perhaps the Tribunal will remember, when Jodl says: "Alarming information from Holland,"

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and he expresses righteous indignation that the wicked Dutchmen should erect roadblocks and take mobilization preparations.

My Lord, and so those three neutral countries were invaded, and I submit there is copious and overwhelming evidence that these two men were in charge of the military operations which made those invasions possible.

My Lord, I pass now to the planning for the aggression against Greece and Yugoslavia. PS-1541, GB-117, dated 13 December 1940, Hitler's order for Marita, the operation against Greece, signed by Hitler, and a copy to Keitel, namely, OKW.

448-PS, GB-118, 11th of January, 1941, Keitel initialed a Hitler order for the Greek operation.

C-134, GB-119, 20th of January, 1941, both Keitel and Jodl are present at the conference with Hitler, Mussolini and others when the operations against Greece and Yugoslavia are discussed.

C-59, GB-121, 19 February 1941, the dates of the operations against Marita are filled in by Keitel.

1746-PS, GB-120, 27th of March, 1941, a conference with Hitler, Keitel and Jodl present, that the decision to attack and destroy Yugoslavia is announced, and the Fuehrer said: "I am determined to destroy Yugoslavia. I shall use unmerciful harshness to frighten other neutrals"; and these two soldiers were present when that was said.

My Lord, I submit that on that the complicity of these two men for that aggression is amply proved.

My Lord, I pass to Barbarossa. 446-PS, U.S.A. 131, dated 18 December 1940, Hitler's order for the Barbarossa operation, initialed by Keitel and Jodl. Hitler says, the Tribunal will remember, that he intends to overthrow Russia in a single rapid campaign.

872-PS, U.S.A. 134, 3rd of February, 1941, a discussion with Hitler, Keitel and Jodl, re Barbarossa and Sonnenblume, North African suggestions. Hitler said: "When Barbarossa commences, the world will hold its breath and make no comments."

Then, 447-PS, U.S.A. 135, dated 13th of March, 1941, that is an operation order signed by Keitel, re the administration of the areas which are to be

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occupied, showing again that Keitel was more than a mere soldier; this is civil administration.

C-39, U.S.A. 138, 6th of June, 1941, timetable for Barbarossa, signed by Keitel, and Jodl gets a sixth copy.

C-79, U.S.A. 139, 9th of June, 1941, is Hitler's order to Keitel and Jodl to attend the pre-Barbarossa conference on the 14th of June, 1941, eight days before the operation.

My Lord, on those facts and documents on the position of these two defendants, again I respectfully submit their participation in this aggression is overwhelmingly proved.

My Lord, the last aggression is with regard to the provoked persuasion of Japan to commit an aggression against the United States of America. My Lord, there are two key documents, and both Keitel and Jodl are implicated by both of them. My Lord, the first is C-75, U.S.A. 151, dated 5th of March, 1941. It is an OKW order signed by Keitel, copy to Jodl. "Japan must be drawn actively into the war" is a quotation from it.

C-152, GB-122, 18th of March, 1941, the meeting between Hitler, Raeder, Keitel and Jodl -- Japan to seize Singapore. That is the relevant extract on that.

My Lord, on those acts of aggression and those preparations for aggression, I submit that the case against these two men is overwhelming. It is clear, in my submission, that there could be no defense open to them except that they were obeying the orders of a superior. That defense is not open to them under this charter. No doubt all these wicked schemes germinated in the wicked brain of Hitler, but he could not carry them out alone. He wanted men nearly as wicked and nearly as unscrupulous as himself.

My Lord, I now pass very rapidly to the question of war crimes and crimes against humanity. My Lord, it has already been proved that Keitel signed the Nacht and Nebel decrees, committing persons to incarceration in Germany where all trace of them is lost. That is L-90, U.S. 503.

There is one fresh document that I desire to put in. Col. Telford Taylor put in C-50, Keitel's order as to ruthless action in the Barbarossa campaign. There is one complementary document to that, and that is C-51, which Your Lord-

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ships will find -- I beg your pardon, this is GB-162 -- this is Keitel's order dated the 27th of July, 1941:

"In accordance with the regulations concerning classified material the following offices will destroy all copies of the Fuehrer's decree of 13 May 1941" -- that is C-50, the Barbarossa decree -- "issued in the communication mentioned above:

"a) All offices upwards to the rank of 'General Commands' inclusive"-- My Lord, that means that Corps commanders downwards could destroy. copies.

"b) Group commands of the armoured troops" -- that again means offices of the armed corps below the rank of Corps commanders could destroy.

"c) Army commands and offices of equal rank, if there is an inevitable danger that they might fall into the hands of unauthorized persons."

That is to say that even higher generals, if thewar approaches closely to them, should destroy these documents rather than there should be any chance of them being captured.

"The validity of the decree is not affected by the destruction of the copies. In accordance with paragraph III it remains the personal responsibility of the commanding officers to see to it that the offices and legal advisors are instructed in time, and that only these sentences are confirmed which correspond to the political intentions of the High Command.

"This order will be destroyed together with the copies of the Fuehrer's decree."

My Lord, I submit that the anxiety on the part of the OKW, presided over by Keitel, to destroy that, I suggest that an illegal order, a barbarous order, and that anxiety is significant.

My Lord, I desire now to put in another document which is almost the last document in the bundle, UK-20. My Lordship will find it flagged at the end of the bundle. It is from the Fuehrer's headquarters, 26th of May, 1943. It says:

"Ref: Treatment of supporters of de Gaulle who fight for the Russians.

"French airmen serving in the Soviet air forces have been shot down on the Eastern Front for the first time. The Fuehrer has ordered that employment of French troops in the Soviet forces is to be counteracted by the

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strongest means.

"It is therefore ordered: --

"1) Supporters of de Gaulle who are taken prisoner on the Eastern Front will be handed over to the French government for proceedings in accordance with OKW order."

And then I read paragraph 3:

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"Detailed investigations are to be made in appropriate cases against relatives of Frenchmen who fight for the Russians, if these relatives are resident in the occupied area of France. If the investigation reveals that relatives have given assistance to facilitate escape from France then severe measures are to be taken."

My Lord, I offer that as GB-163.

My Lord, there is a document which I feel I should put in, which is the next document in the bundle, and is UK-57, GB-164. This is the last document, I think, in the bundle. My Lord, it is from the Ausland Abwehr- I believe it is from the Intelligence Foreign Department. It is to the OKW and it is signed the 4th of January, 1944. My Lord, the heading is: "Re counter-action to Kharkov show trial." Paragraph 2 is all that I read:

"The documents referred to 'Comandos' have been collected by the Reich Security HQ and thoroughly investigated. In five cases members of the British Armed Forces have been arrested as participants. In accordance with the order of the Fuehrer they were thereupon shot. The possibility would exist that breaches of international law could not be attributed to them and they could be posthumously sentenced to death by the way of the courts. Up to the present no breaches of international law can be proved against the Commando participants".

My Lord, I read no more, and I submit that that is clearly an admission of murder, not warfare at all.

My Lord, Keitel's comments are to be found in the top left hand corner of that document: "We want documents on the basis of which we can institute similar proceedings. They are reprisals which have no connection with battle actions."

The the translation sayw: "Legal indications are superfluous."

My Lord, I am told the German word is "justification", "legal justifications are superfluous." I think the original has been handed in, has it not? Perhaps that can be checked by one of the court translators.

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I am told that "indications" is wrong and that it should be "justifications".

THE PRESIDENT: Is that not at the top signed by Keitel?

MR. ROBERTS: It is typewritten in the office copy which is the original.

THE PRESIDENT: There is no actual signature.

MR. ROBERTS: No.

MR. BIDDLE: How does it connect with Keitel then?

MR. ROBERTS: Wehrmacht Chief OKW, that is note of the Chief of OKW. The German word is Rechfertigung, which I am told is justification and not indication.

Now, that is the first minute. My Lord, the second minute, it is on the same subject and it is dated the 6th of January, 1944, and there is a large red Keitel "K" initialed on the top of this letter, showing that he got it. My Lord, the first paragraph deals with two officers who were then at Fichstadt Camp in Bavaria. My Lord, there is no importance in that paragraph, because those two officers are still alive.

The second paragraph:

"Attempted attacks on the battleship Tirpitz.

"At the end of October '42 a British Commando that had come to Norway in a cutter had orders to carry out an attack on the battleship Tirpitz in Drontheim Fjord by means of a two-man torpedo. The action failed since both torpedos which were attached to the cutter were lost in the stormy sea. From amongst the crew consisting of 6 Englishmen and 4 Norwegians a party of 3 Englishmen and 2 Norwegians were challenged on the Swedish border. However, only the British seaman Robert Paul Evans, born 14 Jan '22 at London, could be arrested, the others escaped into Sweden.

"Evans had a pistol pouch in his possession such as are used to carry weapons under the arm-pit and also a knuckle-duster. Violence, representing a breach of international law, could not be proved. He has made extensive statements about the operation. In accordance with the

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Fuehrer's order he was shot on 19 January." That should be "43". The original says "43"; the copy is wrong.

Again I submit, that is murder. Violence representing a breach of internation law could not be proved.

My Lord, then the third paragraph:

"Blowing up of the Glomfjord Power Station.

"On 1st Sept '42, 10 Englishmen and 2 Norwegians landed on the Nrowegian coast dressed in the uniform of the British Mountain Rifle Regt. heavily armed armed and equipped with explosives of every description. After negotiating difficult mountain country they blew up important installations in the power station GLOMFJORD on 21 Sept '42. The German sentry was shot dead on that occasion. Norwegian workmen were threatened that they would be chloroformed should they resist. For this purpose the Englishmen were equipped with morphia syringes. Several of the participants have been arrested whilst the others escaped into Sweden.

"hose arrested are:

Capt Graeme BLACK, born 9 May 11 in Dresden
Capt Joseph HOUGHTON, born 13 Jun 11 at Bromborough
Top Sgt Miller SMITH, born 2 Nov 15 at Middlesborough
Cpl William CHUDLEY,,born 10 May 22 at Exeter
Rfn Reginald MAKEHAM born 28 Jan 14 at Ipswich
Rfn Cyril ABRAM, born 20 Aug 22 in London
Rfn Eric CURTIS, born 24 Oct 21 in London

They were shot on 30 October '42"

Again there is no suggestion that there was any breach of international law. They were British seamen and they were in uniform.

Then paragraph 4:

"The sabotage attack against German ships of Bordeaux.

"On 12 December '42, a number of valuable German ships of Bordeaux were seriously damaged by explosives below water-level. The adhesive mines had been fixed by 5 English sabotage gangs working from canoes. From amongst the 10 participants the following were arested after a few days." Then there followed six names, six British names, one an Irishman, A Lieutenant, a petty officer, a sergeant and three Marines. A seventh soldier names Moffett was found drowned; the remainder apparently escaped into Spain.

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The participants proceeded in pairs from a submarine in canoes upstream into the mouth of the River Gironde. They were wearing olive grey special uniforms. After effecting the explosions they sank the boats, and attempted to escape into Spain in civilian clothes, and with the assistance of the French civilian population. No special criminal actions during the flight have been discovered. All the arrested, in accordance with orders were shot on 23 March 1943. Keitel initialed that document. That document was read by my learned leader and colleague, Sir David Maxwell-Fyfe, in Document No. 735-PS, and quoting Keitel as saying, "I amagainst legal procedure. It does not work out."

THE PRESIDENT: Would you read the page five which follows that?

MR. ROBERTS, KC: If it will please the Tribunal, that is what I shall do. Page five, the Fuehrer's headquarters, 9 January 1944. The Chief of OKW has handed the Deputy Chief, that ought to be OFST, that is Jodl, enclosed letter with the following account. It is, I know, impossible to prove breaches of International Law in a documentary fashion. What is important, however, is connection of material which can be used for the presentation of a short trial from a propaganda point of view. To show the trial as such, it is, therefore, not amiss to take first a merely propaganda presentation of cases with a breach of the International Law by enemy soldiers who will be mentioned by name, and who have already either to be punished with death for their crimes, or awaiting the death penalty. The Chief of OKW asked the Chief of Foreign Department, the Admiral Canaris, to bring with him corresponding document for his next visit to the Fuehrer's headquarters, as the Tribunal heard from my learned friend, Sir David Maxwell-Fyfe, when he read Document 735-PS, earlier today, and Keitel said, "I am against legal procedure. It does not work out."

One can agree with Keitel after having read that record of what in my submission is cold blooded murder of brave men, brave soldiers and sailors who were fighting for their country, and although this trial has a record of the death of brave men, of the murder of brave men, which are more poignant than is shown in the documents to which I have just referred.

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I have finished my presentation of the case against Keitel and against Jodl. So far as Jodl's part in the war crimes and crimes against humanity are concerned, he figures much less than Keitel. Of course, he had no power of giving orders or directives, but we see that he at any rate signed and circulated an infamous order of the Fuehrer saying that Commandos and saying they ought to be shot and are not to be treated as prisoners of war at all.

In my submission of evidence against these two men, it is very overwhelming and their conviction is demanded by the civilized world.

Your Lord, Mr. Walter W. Brudno of the American Delegation will present the case against Alfred Rosenberg.

MR. WALTER W. BRUDNO: May it please the Tribunal, in connection with the case against the defendant Rosenberg, I wish to offer the Document Book designated as US Exhibit EE. This book contains the English translation of all the documents which I will offer into evidence , as well as the English translation of those documents previously offered to which I will refer at length. The documents are arranged by series in the order of C, L, R, PS and EC, and they are arranged numerically within each series.

Your Honors will note that on the first four pages of the Document Book there appears a descriptive list of documents. These lists are a tabulation of all the documents directly implicating Rosenberg, including those previously offered and those which I will offer into evidence. Those previously offered are keyed to the transcript page of the record, and to their exhibit numbers. The list is included in the document books --

THE PRESIDENT: Will you go a little bit slower, just a little bit slower.

MR. BRUDNO: Certainly, your Honor. The list is included in the document books made available to the defense. This list will gather together in one place all references to the defendant Rosenberg, which are in the Record up to this point. In order to avoid repitition, I will not refer to a great many of the documents previously introduced.

The Indictment at page 29 charges the defendant Rosenberg under all four counts of the Indictment. In the presentation which follows, I will

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show that as charged in Count One, that it is charged, in Count One, Main Section, Roman Numeral IV, subparagraph Capital "D", Rosenberg played a particularly prominent role in developing and promoting the doctrinal technique of the conspiracy; in developing and promoting beliefs and practices incompatible with Christian teaching, in subverting the influence of the Churches over the German people, in pursuing the program of relentless persecution of the Jews, and in reshaping the educational system in order to make the German people amenable to the will of the conspirators, and to prepare the people psychologically for waging an aggressive war.

I willalso show that Rosenberg played an important role in preparing Germany for the waging of aggressive war through the direction of foreign trade, as charged in Count One, subparagraph Capital E, page six of the Indictment, and that his activities in the field of foreign policy contributed materially toward the preparation for the aggressions charged in subparagrpph Capital "F", page seven to ten in the Indictment, and the Crimes against Peace, as charged in Count Two.

Finally I will show that Rosenberg participated in the planning and direction of the war crimes, and crimes against humanity, as specified in paragraph "G", page ten of Count One of the Indictment. Particularly, in the planning and directing of the spoilation of art treasures in the Western Countries, and in the numerous crimes committed in that part of the Eastern Countries formerly occupied by the USSR.

The political career of the defendant Rosenberg, embraced the entire history of National Socialism, and permeated nearly every phase of the conspiracy with which we are concerned. In order to obtain a full conception of his influence upon and participation in the conspiracy, it is necessary to review his political history, and to consider each of his political activities in their relation to the thread of the conspiracy which stretches from the inception of the party in 1919 to the defeat of Germany in 1945.

It is both interesting and revealing to note that for Rosenberg the 30th of November 1918 marked the "Beginning of political activities with a lecture about the 'Jewish Problem'." That statement is found at line two

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of the translation of Locument 2886-PS, which is an excerpt from a book entitled, "The Work of Alfred Rosenberg", a biography, and I offer this book as USA Exhibit No. 591.

From the document 3557-PS, which has excerpts from the official pamphlet entitled, "Dates in the History of the NSDAP" I offer as USA Exhibit 592, we learn that Rosenberg was a member of the German Labor Party, afterwards the National Socialist German Workers Party, in January, 1919, and that Hitler joined forces with Rosenberg and his colleagues in October of the same year. Thus Rosenberg was a member of the National Socialist movement even before Hitler himself.

Now I wish to offer document 3530-PS, which is an extract from "Das Deutsch Fuehrer Lexikon", the year of 1934-35, and I offer it as USA Exhibit 593. In this document we obtained additional biographical data on Rosenberg as follows:

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"From 1921 until the present, Editor of the Voelkische Beobachter; Publisher of the N. S. Monatshefte; 1930, member of the Reichstag and spokesman of foreign affairs for the party; since April 1933 leader of the foreign political office of the NSDAP; then designated as Reichsleiter; January 1934 deputized by the Fuehrer for the spiritual and philosophical education of the NSDAP, the German labor front and all related organizations."

The document 2886-PS, which I have just offered as US Exhibit 591, adds that in July 1941, Rosenberg was appointed Reichsminister for the Occupied Eastern Territories.

With this general background information in mind the first phase of proof will deal with Rosenberg as official National Socialist ideologist. The proof which I will present will show the nature and scope of the ideological tenets he expounded, and the influence he exerted upon the unification of German thought, a unification which was an essential part of the conspirators' program for seizure of power and preparation for aggressive war.

Rosenberg wrote extensively on, and actively participated in, virtually every aspect of the National Socialist program. His first publication was the "Nature, Basic Principles and Aims of the NSDAP." This publication appeared in 1922. Rosenberg spoke of this book in a speech which we have seen and heard delivered in the motion picture previously introduced as USA Exhibit No. 167, and on page 2, part 1, of the transcription of the speech, which is our document No. 3054-PS, Rosenberg states as follows.

"During this time, that is, during the early phase of the Party--

THE PRESIDENT: Will you go a little bit slower.

MR. BRUDNO: I am sorry, sir.

"During this time, that is, during the early phase of the Party, a short thesis was written, which nevertheless is significant in the history of the NSDAP. It was always being asked what points of program the NSDAP had, and how they each were

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to be interpreted. Therefore I wrote the principal program and aims of the NSDAP, and this writing made the first permanent connection between Munich, and local organizations being organized and friends within the Reich."

We thus see that the original draftsman of, and spokesman on, the party program was the Defendant Rosenberg. Without attempting to survey the entire ideological program advanced by the Defendant Rosenberg in his various writings and speeches, I wish to offer into evidence certain of his statements as an indication of the nature and broad scope of the ideological program which he championed. It will be seen that there was not a single basic tenet of the Nazi philosophy which was not given authoritative expression by Rosenberg. Rosenberg wrote the "Myth of the Twentieth Century," published in 1930. This book has already been offered as USA Exhibit No. 352. At page 479, which your Honor will find on the second page of document 3553-PS--

THE PRESIDENT: 3553?

MR. BRUDNO: 3553, your Honor.

THE PRESIDENT: Yes.

MR. BRUDNO: Rosenberg wrote the "Myth of the Twentieth Century," and he wrote on the race question as follows.

"The essence of the contemporary world revolution lies in the awakening of the racial types, not in Europe alone but on the whole planet. This awakening is the organized counter movement against the last chaotic remnants of the liberal economic imperialism, whose object of exploitation out of the desperation has fallen into the snare of Bolshevik Marxism, in order to complete what democracy had begun, the extirpation of the racial and national consciousness."

Rosenberg expounded the Lebensraum idea, which was the chief motivation, the dynamic impulse behind Germany's waging of aggressive war. In his journal, the "National Socialist Monatshefte," for

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May, 1932, which I offer as USA Exhibit No. 594, our document No. 2777-PS, he wrote at page 199:

"The understanding that the German nation, if it is not to perish in the truest sense of the word, needs ground and soil for itself, and its future generations, and the second sober perception that this soil can no more be conquered in Africa, but in Europe and first of all in the East--these organically determine the German foreign policy for centuries."

Rosenberg expressed his theory as to the place of religion in the National Socialist State in the "Myth of the Twentieth Century," additional excerpts from which are cited in document 2891-PS; at page 215 of the "Myth" he wrote as follows.

"We recognize today that the central maximum values of the Roman and the Protestant Church as negative Christianity do not correspond to our soul, that they are in the way of the organic forces of the Nordic racially determined peoples, must give way to them (these forces), and must let themselves be re-evaluated in the sense of a Germanic Christianity. That is the thought behind today's religious searching."

In the place of traditional Christianity, Rosenberg sought to implant the neo-pagan myth of the blood.

THE PRESIDENT: Do you want to drop off here for a recess.

MR. BRUDNO: Yes, your Honor.

(A recess was taken from 15.20 to 15.40.)

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THE PRESIDENT: I have an announcement to make to the defendants' counsel. In view of the applications which were made to the Tribunal this morning, I have immediately ordered on behalf of the Tribunal that an investigation should be made of the complaints made by defendants' counsel about the delay in delivery of transcript of the shorthand notes and such delay will be remedied at once. The investigation shows that transcripts of the sessions up to and including the 20th of December can be completed by this afternoon. The transcripts for the sessions held since the resumption of the trial will be distributed, up to and including the 8th of January, by tomorrow evening. Hereafter, the German transcripts will be regularly distributed to the defense counsel within a period of forty-eight hours after the session.

MR. BRUDNO: If your Honors please, when the Court rose I just read a quotation of Rosenberg, in which he expressed his views on Christianity.

In the place of traditional Christianity, Rosenberg sought to implant the neo-pagan myth of the blood. At page 114 in the "Myth of the Twentieth Century" he stated as follows:

"Today, a new faith is awakening-- the Myth of the Blood, the belief that the divine being of mankind generally is to be defended with the blood. The faith embodied by the fullest realisation, that the Nordic blood consititutes that mystery which has supplanted and overwhelmed the old sacraments."

Rosenberg's attitudes on religion were accepted as the only philosophy compatible with National Socialism. In 1940, the defendant Bormann wrote to Rosenberg in document 098-PS, which has been previously introduced as USA Exhibit 350, and I quote:

"The churches cannot be conquered by a compromise between National Socialism and Christian teachings, but only through a new ideology, whose coming you, yourself, have announced in your writings."

Rosenberg actively participated in the program for elimination of church influence. The defendant Bormann frequently wrote Rosenberg in this regard, furnishing him information as to proposed action to be instituted against the churches, and, when necessary, requesting that action be taken by Rosenberg's department. I refer to documents introduced in connection with the case against the Leadership Corps, such documents as 070-PS, USA

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Exhibit 349, which deals with abolution of religious services in the schools; document 072-PS, USA 357, dealing with confiscation of religious property; 064-PS, USA 359, which deals with the inadequacy of anti-religious material being circulated to the soldiers; document 089-PS, USA Exhibit 360, dealing with curtailment of the publication of Protestant periodicals; and document 122-PS, which is USA Exhibit 362, dealing with the closing of theological faculties.

Rosenberg was particularly avid in his pursuit of what he called the "Jewish Question". He set the keynote for its activities and indicated the direction which the exploration was to take. I would like to quote from document 2889-PS, which I offer as USA Exhibit 595. This is an excerpt from the Voelkischer Beobachter, 29th of March 1941. This is a statement made by Rosenberg on the occasion of the opening of the institute.

"For Germany the Jewish Question is only then solved when the last Jew has left the Greater German space.

"Since Germany with its blood and its nationalism has now broken for always this Jewish dictatorship for all Europe and has seen to it that Europe as a whole will become free from the Jewish paratism once more, we may, I believe, also say for all Europeans: For Europe the Jewish question is only then solved when the last Jew has left the European continent."

It has already been seen that Rosenberg did not overlook any opportunity to put these anti-Semitic beliefs into practice. Your Honours will recall that in document 001-PS, which was introduced as USA Exhibit 282 in connection with the case on Persecution of the Jews, Rosenberg recommended that instead of executing one hundred Frenchmen as retaliation for attempts on lives of members of the Wehrmacht, there be executed one hundred Jewish bankers, lawyers, etc. The recommendation was made with the avowed purpose of awakening the anti-Jewish sentiment.

Document 752-PS, which was introduced this morning by Sir David Maxwell-Fyfe as Exhibit GB-159, discloses that Rosenberg had called an Anti-Semitic Congress in June 1944, although this Congress was cancelled due to military events.

In the realm of foreign policy, in addition to demanding Lebensraum, Rosenberg called for elimination of the Versailles Treaty and cast aside

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any thought of revision of that Treaty. In his book "The Nature, Principles and Aims of the NSDAP", written by Rosenberg in 1922, he expressed his opinions regarding the Treaty of Versailles. Excerpts from this book are translated in document 2433-PS, and I offer the book as USA Exhibit 596. He stated as follows:

"The National Socialists reject the popular phrase of the 'Revision

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of the Peace of Versailles' as such a revision might perhaps bring a few numerical reductions in the so-called 'obligations', but the entire German people would still be, just as before, the slave of other nations."

Then he goes on to expound the second point of the Party:

"We demand equality for the German people with other nations, the cancellation of the peace treaties of Versailles and St. Germain."

Rosenberg conceived of the spread of national Socialism throughout the world and, as will be subsequently shown, took an active part in promoting the infection of other nations with his creed. In the "Nature, Principles and Aims of the NSDAP", he states:

"But National Socialism still believes that its principles and ideology though in individually different suitable ways of fight according to racial-national conditions — will be directives far beyond the borders of Germany for the inevitable fights for power in other countries of Europe and America. There, too, a decision of ideas must take place, and the racial-nationalistic fight against the ever similar loan-capitalistic and marxist internationalism must be taken up. National Socialism believes that once the great world battle is concluded, after the defeat of the present epoch, there will be a time when the swastika will be woven into the different banners of the Germanic peoples as the Aryan symbol of rejuvenation."

This statement was made in 1922. It is thus seen that the defendant Rosenberg gave authoritative expression to the basic tenets upon which National Socialism was founded, and through the exploitation of which the conspiracy was crystallized in action.

Rosenberg's value to the conspiratorial program found official recognition with his appointment in 1934 as the Fuehrer's delegate for the entire spiritual and philosophical education and supervision of the NSDAP. His activities in this capacity were vast and varied.

I now offer in evidence the National Socialist Year Book for the year 1938 as USA Exhibit 597. At page 180 of this book, which is our document No. 3531-PS, the functions of Rosenberg's office as the Fuehrer's delegate are described as follows:

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"The sphere of activity of the Fuehrer's Commissioner for all spiritual and ideological instruction and education of the movement, its organization, including the 'Strength through Joy', extends to the detailed execution of all the educational work of the party and of the affiliated bodies. The office, set up by Reichsleiter Rosenberg, has the task of preparing the ideological educational material, of carrying out the teaching programme and is responsible for the education of those teachers suited to this educational and instructional work."

As the Fuehrer's delegate, Rosenberg thus supervised all ideological education and training within the party.

It was Rosenberg's personal belief that upon the performance of his new functions as ideological delegate depended the future of National Socialism. I offer document 3532-PS as USA Exhibit 598. This is an excerpt from an article by Rosenberg appearing in the March 1934 issue of "The Educational Letter." At page 9 of this publication Rosenberg states:

"The focus of all our educational work from now on is the service for this ideology, and it depends on the result of these efforts, whether National Socialism will be buried with our fighting ancestors or whether, as we believe, it really represents the beginning of a new era."

In his capacity as the Fuehrer's delegate for the spiritual and ideological training, Rosenberg assisted in the preparation of the curriculum for the Adolf Hitler schools. These schools, it will be read, selected the most suitable candidates from the Hitler Jugend and trained them for leadership within the party. They were the elite schools of National Socialism. I offer into evidence document 3529-PS -- I beg your pardon. This document, entitled "Documents of German Policy" is already in evidence as USA Exhibit 365. Translations of excerpts from this document are found in 3529-PS, page 389, and read as follows:

"As stated by Dr. Ley, Reichsorganisationsleiter, on 23 November 1937 at Ordensburg Sonthofen, these Adolf Hitler Schools, as the first step of the principle of selecting a special elite, form an important branch in the educational system of the national socialist training of future leaders.

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"The curriculum has been laid down by Reichsleiter Rosenberg, together with the Reichsorganisationsleiter and the Reich Youth Leader."

Rosenberg exercised further influence in the education of party members in the establishment of community schools for all organizations of the party. Document 3528-PS is a translation of page 297 of the 1934 edition of "Das Dritte Reich", which I offer as USA Exhibit 599. It reads as follows:

"We support the request of the Fuehrer's Commissioner for the supervision of the whole spiritual and ideological training and instruction of the NSDAP, Party member Alfred Rosenberg, to organize community schools of all organisations of the NSDAP twice a year, in order to show by this common effort the ideological and political unity of the NSDAP and the steadfastness of the National Socialist will."

This program was endorsed by the defendant Schirach as well as by Himmler, Ley and others.

THE PRESIDENT: Aren't you dealing with this rather in an accumulative way? Isn't it possible to summarize this evidence against Rosenberg more than you are doing?

MR. BRUDNO: I will try to, your Honor. However, although the indictment charges and there is already substantial proof to show that the defendant conspirators used ideological training as an implement in achieving their rise to power and in consolidating their control, there seems to be little evidence as to Rosenberg's position, and I'm introducing this evidence in order to show that he played a dominant role in this connection. However, I will try to summarize these documents if I can.

THE PRESIDENT: Well, I've taken down about twenty documents that you have alluded to use, all of which deal with Rosenberg-ideological theories.

MR. BRUDNO: Yes, your Honor. I was merely trying to show the scope of his activities.

THE PRESIDENT: Yes.

MR. BRUDNO: Your Honors will recall that it was in his capacity as Fuehrer's delegate that Rosenberg established the Institute for the

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Exploration of the Jewish Question in Frankfort. This institute, commonly known as the "Hohe Schule", has been referred to in connection with the exposition of art plunders. Into its library there flowed books, documents and manuscripts which were looted from virtually every country of occupied Europe. Further evidence on this score will be introduced by the prosecutor of the Republic of France.

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Your Honors will recall, and the record shows at pages 1671 to 1687, that it was as Ideological Delegate that Rosenberg conducted the fabulous art looting activities of the Einsatzstab Rosenberg, activities which extended to virtually every country occupied by the Germans. I will not attempt to summarize the extent of the plunder, and merely refer the Tribunal to document 1015 b-PS, which has already been introduced as USA Exhibit 385 and the Document L-188, which has been introduced as USA Exhibit 386. Document 1015 b-PS details of looting of 21,000 objects of art. Document L-188, the looting of the contents of over 71,000 Jewish homes in the West. This subject, too, will be further developed by the French Prosecutor.

The importance of Rosenberg's activities as official ideologist of the Nazi Party was not overlooked. In Document 3559-PS, which I wish to introduce as USA Exhibit 600. This Document, incidentally, is the Hart biography of Rosenberg, entitled "The Man and His Work", states that Rosenberg won the German National prize in 1937. The creation of this prize, Your Honors will recall, was the Nazis' petulant reply to the award of the Nobel prize to Karl von Ossietzki, an inmate of a German concentration camp. The citation which accompanied the award to Rosenberg read as follows:

> "Alfred Rosenberg has helped with his publications to lay the scientific and intuitive foundation and to strengthen the philosophy of the National Socialist in the most excellent way. His indefatigable struggle to keep National Socialist philosophy clean was especially meritorious. Only future times will be able to fully estimate the depth of the influence of this man on the philosophical foundation of the National Socialist Reich. The National Socialist movement, and beyond that, the entire German people will be deeply gratified that the Fuehrer has distinguished Alfred Rosenberg as one of his oldest and most faithful fighting comrades by awarding him the German National Prize."

The contribution which Rosenberg's book, "The Myth of the Twentieth Century", which is the foundation of all his ideological Fascist propaganda

was praised in the official National Socialist book review publication "Bucher Kunde" in 1942. This publication is our Document No. 2554-PS, dated November 1942. I offer it as USA Exhibit 601. The first page sets forth an appraisal of the "Myth of the Twentieth Century".

THE PRESIDENT: Mr. Brudno, you referred us to the "Myth of the Twentieth Century" on several occasions.

MR. BRUDNO: Yes, your Honor.

THE PRESIDENT: We really don't want to hear any more about it.

MR. BRUDNO: I wish to show that this book is regarded as being one of the pillars of the movement and I wish to show also, Sir, that it had a circulation of over a million copies.

THE PRESIDENT: Well, I think it is absolutely clear from the evidence which has already been given that Rosenberg was enunciating doctrines of the ideology of the Nazi Party, and I don't think that it is necessary to go any further into details about it.

MR. BRUDNO: Very well. If the Tribunal is satisfied that Rosenberg's ideas formed the foundation for the National Socialist Ideological Movement, I will pass on.

THE PRESIDENT: Well, you have already drawn up the fact that he was appointed the Fuehrer's Deputy for that purpose; wasn't he?

MR. BRUDNO: Yes, your Honor. I shall pass on to that point. I would merely like to make reference, however, to Document 789, which has already been introduced as USA Exhibit 23. This document records a meeting between Hitler and his Supreme Commanders, and on that occasion Hitler said:

"The building up of our armed forces was only possible in connection with the ideological education of the German people by the party."

We submit that the contribution which Rosenberg made through formulation and dissemination of National Socialist Ideology was <u>fundamental</u> to the conspiracy. As the apostle of neo-paganism, the exponent of the drive for Lebensraum, and the glorifier of the Myth of Nordic Superiority and as one of the oldest and most energetic Nazi proponents of anti-Semitism, he contributed materially to unification of the German people behind the swastika. He provided the impetus and the inspiration of National Socialism. His doctrines were responsible for the sublimation of morality and the crystallization of the perverted Nordic

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dream in the minds of the German people, thereby making them useful tools in the hands of the conspirators and willing collaborators in the prosecution of their criminal plan.

I now pass to the second phase of Rosenberg's criminal activities - his active contribution toward the preparation for aggressive war through the international activities of the APA - The Foreign Policy Office of the Party.

As previously indicated in my quotation from "Das Deutsche Fuehrer Lexikon" which is U.S.A. Exhibit 593, Rosenberg became a Reichsleiter, the highest level of rank in the Leadership Corps, and was made chief of the Foreign Political Office of the Party in April, 1933. The organization manual of the Party, document 2319-PS, which I offer as U.S.A. exhibit 602, describes the functions of the APA as including the influencing of public opinion abroad so as to convince foreign nations that Germany desires peace. The far-flung activities of the APA are indicated at page 14 of the translation of this document and states as follows:

"1. The APA is divided into three main offices:
A. Office for Foreign Referats with the Main Offices
a) England and Far East
b) Near East
c) South East
d) North
e) Old Orient
f) Controls, personnel questions, etc.
B. Office of the German Academic Exchange Service.
C. Office of Foreign Commerce.

"2. Moreover, there is in the APA a main office for the press service and an educational office."

The Press activities of the APA, designed to influence world opinion in such a manner as to conceal the conspirators' true purposes and thus facilitate the preparation for waging aggressive war, were conducted on an ambitious scale. I offer into evidence document 003-PS, which is entitled " A Short Report on the Activities of the APA of the NSDAP". It is USA Exhibit 603. The last paragraph on page 5 of the translation describes the press activities as follows:

"The Press Division of the APA is comprised of persons who together master all the languages that are in use. Daily they examine approximately 300 newspapers and deliver to the Fuehrer, the deputy Fuehrer, and all other inerested offices the condensations of the important trends of the entire world press. I know that these press reports are highly praised by all who constantly follow them. The Press Division furthermore conducts an exact archives on the attitudes of the most important papers of the world and an

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exact archives on the most important journalists of the world. Many embarrassments during conferences in Germany could have been avoided had one consulted these archives. Further, the Press Division was able to arrange a host of interviews as well as conducting a great number of friendly foreign journalists to the various official representatives of Germany".

And then,

"Hearst then personally asked me to often write about the position of German Foreign Policy in his papers. This year five continuous articles under my name have appeared in Hearst papers all over the world. Since these articles, as Hearst personally informed me, he presented well-founded argument. He begged me to write further articles for his paper".

That is, Rosenberg used his foreign policy office to influence world opinion on behalf of National Socialism.

It is interesting to note in passing that Rosenberg states, at page 4 of this document that the Rumanian anti-Semitic leader, Cuza, followed his suggestions as (in Rosenberg's words) "he had recognized in me an unyielding anti-Semite." We will hear more of this affair shortly.

The nature and extent of the activities of the APA are amply disclosed in a single document. This is the principal document to which I will refer in this phase of the case against Rosenberg. This document bears our No. 007-PS and is entitled "Report on the Activities of the Foreign Affairs Bureau of the Party from 1933 to 1943". It is signed by Rosenberg. Portions of Annex one, attached to the report, have already been read into evidence as British Exhibit GB-84. The body of the report and Annex two have not been referred to heretofore. As will be seen the document contains a recital of widespread activities in foreign countries. These activities range from the promotion of economic penetration, to fomentation of anti-Semitism; from cultural and political infiltration to the instigation of treason. Activities were carried on throughout the world and extended to such widely separated points as the Middle East and Brazil.

Much of the APA's achievements were brought about through the subtle explooitation of personal relationships. Reading from the middle of the first paragraph on page two of the translation, which refers to activities in Hungary, we learn that:

"The first foreign state visit after the seizure of power took place through the mediation of the Foreign Affairs Bureau. Julius Gombes, who in former years had himself pursued anti-Semitic and racial tendencies, had reached the Hungarian Premier's chair. The Bureau maintained a personal connection with him."

The APA endeavored to strengthen the war economy by shifting the source of food imports to the Balkans, as stated in paragraph 3 on page 2 of the translation: I quote:

"Motivated by reasons of War Economy, the Bureau advocated the transfer of raw material purchases from overseas to the areas accessible by overland traffic routes."

Then he goes on to point out that they had successfully shifted the source of food imports, particularly fruit and vegetable imports to the Balkans as a result of the Bureau's activities.

Activities in Belgium, Holland and Luxembourg were confined, according to the report, to "observation of existing conditions" - a phrase which may have broad connotations - and "to the establishment of relations, especially of a commercial nature."

In Iran, the APA achieved a high degree of economic penetration, in addition to promoting cultural relations. I quote from the middle of the third paragraph on page 3.

"The Bureau's initiative in developing with the help of commercial circles, entirely new methods for the economic penetration of Iran found expression, in an extraordinarily favorable way, in reciprocal trade relations. Naturally, in Germany, too, this initiative encountered a completely negative attitude and resistance on the part of the competent state authorities, an attitude that at first had to be overcome. In the course of a few years, the volume of trade with Iran was multiplied five-fold and in 1939 Iran's trade turnover with Germany had attained first

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first place."

In the last sentence on page 3 -

THE PRESIDENT: Well, now Mr. Brudno, will you kindly explain to the Tribunal how the paragraph that you just read bears upon the guilt of Rosenberg on this trial?

MR. BRUDNO: If Your Honor please, we submit that the conspirators used as one of the tools of conspiracy, the economic penetration of those countries which they deemed strategically necessary to have within the Axis orbit. The activities of Rosenberg in the field of foreign trade contributed materially, we submit, to the advancement of the conspiracy, as charged in the Indictment.

THE PRESIDENT: Are you suggesting that it is a crime to try and stimulate trade in foreign countries?

MR. BRUDNO: If Your Honor please, the expression of ideological opinions or the advancement of foreign trade do not, in themselves, constitute a crime, we agree.

THE PRESIDENT: There is nothing here about ideological considerations. It is simply a question of trade.

MR. BRUDNO: Further on, Your Honor, he mentions the cultural activities.

THE PRESIDENT: I was confining myself, in order to try to get on, to the particular paragraph that you had just cited.

MR. BRUDNO: I see, Your Honor. We are merely trying to show, Sir, that the Germans used the foreign trade weapon as a material part of the conspiratorial program.

THE PRESIDENT: As I have said before, it is not possible for me or for any member of this Tribunal to conduct the case of the Prosecution for them. We can only tell them when we think they are being irrelevant and cumulative and ask them to try to cut down their presentation. It is for you to cut it down.

MR. BRUDNO: Rosenberg goes on to state, if Your Honor please, at page 3 of the translation, that:

"Afghanistan's neutral position today is largely due to the Bureau's activity."

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In connection with Arabia, he says:

"The Arab question, too, became part of the work of the Bureau.

In spite of England's tutelage of Iraq, the Bureau established a series of connections to a number of leading personalities of the Arab world, smoothing the way for strong bonds to Germany. In this connection, the growing influence of the Reich in Iran and Afghanistan did not fail to have repercussions in Arabia."

Rosenberg concludes his report with the statement that with the outbreak of war, he was entitled to consider his task as terminated, and then he says, "The exploitation of the many personal connections in many lands can be resumed under a different guise."

I now turn to Annex Two of the report, which is found at page 9 of the translation. This Annex deals with activities in Roumania. Here the APA's intrigue was more insidious, its interference in the internal affairs of a foreign nation more pronounced. After describing the failure of what Rosenberg terms a "basically sound anti-Semitic tendency", due to dynastic squabbles and party fights, Rosenberg describes the APA's influence in the unification of conflicting elements. I quote, beginning with the ninth line of the translation:

"What was lacking was the guiding leadership of a political personality. After manifold groping trials the Bureau believed to have found such a personality - the former Minister and poet, Octavian Goga. It was not difficult to convince this poet, pervaded by instinctive inspiration, that a Greater Roumania, though it had to be created in opposition to Vienna, could be maintained only together with Berlin. Nor was it difficult to create in him the desire to link the fate of Roumania with the future of the National-Socialist German Reich in good time. By bringing continuing influence to bear, the Bureau succeeded in inducing Octavian Goga as well as Professor Cuza to amalgamat the parties under their leadership on an Anti-Semitic basis. Thus they could carry on with united strength the struggle for Roumania's renascence internally and her Anschluss with Germany externally. Through the Bureau's initiative both parties, which had heretofore been known by distinct names

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were merged as the National Christian Party, under Goga's leadership and with Cuza as Honorary President."

Rosenberg's man, Goga, was supported by two splinter parties,

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which had not joined the anti-Semitic trend, and Rosenberg states:

"Through intermediaries, the Bureau maintained constant contact with both tendencies."

Goga, the man supported by Rosenberg, was appointed Prime Minister by the King in December, 1937. The pernicious influence of Rosenberg's ideology had achieved a major triumph, for he states:

"Thus a second government on racial and anti-Semitic foundations had appeared in Europe, in a country in which such an event had been considered completely impossible."

I will not deal at any length with the details of the political turmoil that plagued Roumania during the ensuing period.

THE PRESIDENT: Mr. Brudno, I think the Tribunal are satisfied that Rosenberg -- I mean satisfied, subject to what Rosenberg himself or his counsel may say -- that Rosenberg tried to spread his ideology abroad, and we don't require any further detailed proof of that, and we are also satisfied that we have head enough of the activities of the APA.

DR. BRUDNO: Certainly, Your Honor. We feel that if the Tribunal is satisfied, we can pass on.

THE PRESIDENT: Subject, as I said, to anything that Rosenberg may prove.

MR. BRUDNO: Surely, I'd merely like to conclude with the statement that the activities of the APA were, as indicated in this document 007, primarily responsible for Roumania's joining the Axis. It was a vital link in Germany's chain of military strategy.

I would further like to call to Your Honor's attention the evidence which has already been submitted on the activities of the APA in Norway, activities which led to the treason of Quisling and Hagelin, for which they have been condemned.

I come now to the final phase of the case against the defendant Rosenberg. We have seen how he aided the Nazi rise to power and directed the psychological preparation of the German people for waging of aggressive war.

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I'll now offer proof of his responsibility for the planning and execution of war crimes and crimes against humanity committed in the vast areas of the occupied East, which he administered for over three years. These areas included the Baltic States, White Ruthenia, the Ukraine, and the Eastern portion of Poland.

I'll not endeavor here to chronicle again the tale of mass murder, spoliation and brutality. We feel that that has already been sufficiently evidenced, and further evidence on this point will be presented by the Prosecution for the USSR and for the Republic of France.

We anticipate, however, that Rosenberg will contend that some of these crimes were committed against his wishes, and, indeed, there is some evidence that he protested on occasion -- not out of humanitarian reasons but on grounds of political expediency.

We also anticipate that Rosenberg will attempt to place the blame for these crimes on other agencies and on other defendants. The evidence will prove, however, that he himself formulated the harsh policies in the execution of which crimes were committed; that the crimes were committed for the most part by persons and agencies within his jurisdiction and control; that any other agencies which participated in the commission of these crimes were invited by Rosenberg to cooperate in the daministration of the East, although the brutal methods customarily employed by them were common knowledge; and, finally, his Ministry lent full cooperation to their activities, despite the criminal methods that they employed.

Rosenberg was actively participating in the affairs of the East as early as April 20, 1941, two months prior to the German attack upon the Soviet Union. On that date he was designated by Hitler as Commissioner for the Central Control of Questions connected with the East European Region.

The Hitler order, by virtue of which he received this appointment, has been read into the record in its entirety as USA Exhibit 143, our Document number 865-PS.

The initial preparations undertaken by Rosenberg for fulfilment of

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his task indicate the extent to which he cooperated in promoting the military plans for aggression. They also show that he understood his task at the inception as requiring the assistance of a multitude of Reich agencies and that he invited their cooperation.

Shortly after his appointment by Hitler, Rosenberg conducted a series of conferences with representatives of various Reich agencies, conferences which are summarized in Document 1039-PS, previously offered as USA Exhibit 146. This document indicated the cooperation of the following agencies. It indicated that the cooperation of these agencies was both contemplated and solicited by Rosenberg. The agencies are as follows:

OKW, OKH, OKM, Ministry of Economy, Commissioner for the Four Year Plan, the Ministry of the Interior, Reich Youth Leadership, the German Labor Front, Ministry of Labor, the SS, the SA, and several others.

These arrangements, it should be noted, were made by

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Rosenberg in his capacity as Commissioner on Eastern Question, before the attack on the Soviet Union, before he was appointed as Reich Minister for the Occupied Easter, in fact, before there was any Occupied East for Germany to administer.

I would like to refer briefly to some of Rosenberg's basic attitudes regarding his new task and the directives which he knew he would be expected to follow.

Your Honors will recall that on April 29, 1941, in Document 1024-PS, previously introduced as USA Exhibit 278, Rosenberg stated that: "A general treatment is required for the Jewish problem for which a temporary solution will have to be determined (forced labor for the Jews, creation of Ghettos, et cetera.)"

On May 8, 1941, he prepared instructions for all Reich Commissars in the Occupied Eastern Territories. These instructions are found in Document 1030-PS, previously introduced as USA Exhibit 144. The last paragraph, which has not been called to your Honors' attention, reads as follows:

"From the point of viewof cultural policy, the German Reich is in a position to promote and direct national culture and science in many fields. It will be necessary that in some territories an uprooting and resettlement of various racial stocks will have to be effected."

In Document 1029-PS, which has been introduced as USA Exhibit 145, Rosenberg directs that the Ostland be transformed into a part of the Greater German Reich by Germanizing racially possible elements, colonizing Germanic races and banishing undesirable elements.

In a speech which Rosenberg made on June 20, 1941, your Honors will recall he stated the job of feeding Germans was the top of Germany's claim on the East; that there was no obligation to feed the Russian peoples; that this was a harsh necessity bare of any feelings; that a very extensive evacuation will be necessary; and that the future will hold many hard years in store for the Russians. This speech, your Honours, is in the record as Document 1058-PS, USA Exhibit 147.

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On July 4, 1941, still prior to Rosenberg's appointment as Reich Minister for the Occupied East, a representative of Rosenberg's bureau attended a conference on the subject of utilization of labor, and especially of the labor of Soviet prisoners of war. Document 1199-PS is a memorandum of this conference, and I offer it into evidence as USA Exhibit 604. Itstates that the participants were, among others, representatives of the Commissioner for the Four Year Plan, of the Reich Labor Ministry, of the Reich Food Ministry, and of the Rosenberg Bureau. The first sentence states, and I quote:

"After an introduction by Lt. Col. Dr. Krull, Lt. Col. Breyer of the P.W. Department explained that actually there was in effect a prohibition by the Fuehrer against bringing Russian P.W.'s into the Reich for mobilization of labor, but that one might count on this prohibition being relaxed a little."

The last paragraph records that, and I quote:

"The Chairman summarized the results of the discussion as indicating that all the interested bureaus unqualifiedly advocated and supported the demand for utilization of P.W.'s because of manpower needs in the Reich."

On July 16, 1941, the day before Rosenberg's appointment as Minister of the Occupied East, he attended a conference at the Fuehrer's headquarters, the minutes of which have been introduced as Document L-221, USA Exhibit 317. At that time Hitler stated "The Crimea has to be evacuated by all foreigners and to be settled by Germans alone."

He further stated that Germany's objectives in the East were three-fold, first, to dominate it; second, to administer it; third, to exploit it.

Thus the character of the administration which was contemplated for the Occupied East was well established before Rosenberg took office as Minister. He knew of these plans and was in accord with them. Persecution of the Jews, forced labor of prisoners of war, Germanization and exploitation, were all basic points of policy which Rosenberg knew of at the time he assumed office.

On July 17, 1941, Rosenberg was appointed Reichminister for the Occupied Eastern Territories. The decree by which he was appointed is in evidence as Document 1997-PS, USA Exhibit 319.

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I would like now to examine the organizational structure and the chain of responsibility which existed within the Ministry for the Occupied East.

The organizational structure of the East was such as we will

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show that Rosenberg was not merely straw man. He was the supreme authority with full control.

Document 1056-PS is a mimeographed treatise, entitled, "The Organization of the Administration of the Occupied Eastern Territories." It is undated and unsigned, but we can obtain further information regarding it by reference to EC-347, which is Goering's "Green Folder," already introduced in evidence as USA Exhibit 320.

It is noted that Part II, Sub-section A of Document EC-347, is entitled, and I quote: "Excerpts from the Directives of the Reich Minister for the Occupied Eastern Territories for the Civilian Administration," and then in parenthesis, "Brown Folder, Part I, Pages 25 to 30."

The two paragraphs which follow are identical to two paragraphs found at the top of Page 9 of the translation of Document 1056-PS. Thus Document 1056-PS is identified as being a mimeograph of Part I of the Brown Folder which was mentioned in the Green Folder, and was issued by the Reich Minister for the Occupied Eastern Territories.

I now offer Document 1056-PS as USA Exhibit 605. I offer this document for the purpose of proving from the directives issued by the Rosenberg Ministry itself the extent of Rosenberg's authority; that he was the supreme civilian authority in the Eastern Territories. The document will show that there was a continuous chain of command from Rosenberg down to the regional administrative officials, a chain of command which extended even to the local prison warden.

The document also will show the relationship which existed between the Rosenberg Ministry and other German agencies, a relationship which varied from full control by Rosenberg to frull cooperation with them, made mandatory by his directives and by Hitler's orders.

Finally, the document will show that the various sub-divisions of the Ministry were required to submit periodic reports of the situation within their jurisdiction, so that the numerous reports of unspeakable brutality which Rosenberg received, and which are already in the record, were submitted to him pursuant to his orders.

The first paragraph of this significant document states as follows:

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"The newly occupied Eastern Territories are subordinated to the Reich Minister for the Occupied Eastern Territories. By directions of the Fuehrer he establishes a civil administration there upon withdrawal of the military administration. He heads and supervises the entire administration of this area and represents the sovereignty of the Reich in the occupied Eastern Territories."

At the top of Page 2 of the translation is stated, and I quote:

"To the Reich Ministry is assigned a deputy of the Reich Leader SS and Chief of the German Police in the Reich Ministry of the Interior."

Roman numeral three on Page two of the translation defines the responsibility of the Reich Commissars as, and I quote:

"In the Reich Commissariats, Reich Commissars are responsible for the entire civil administration under the supreme authority of the Reich Ministry for the Occupied Eastern Territories. According to the instructions of the Reich Minister for the Occupied Eastern Territories, the Reich Commissar, as a functionary of the Reich, heads and supervises, within his precincts, the entire civil administration. Within the scope of these instructions he acts on his own responsibility."

And then the chain of command is outlined: Subordinate offices, General Commissariats, Main Commissariats, District Commissariats, etc.

In the second last paragraph on page 3 of the translation it is stated again:

"The Higher SS-and Police Leader is directly subordinated to the Reich Commissar. However, the Chief of Staff has the general right to secure information from him also.

"Great stress is to be placed on close cooperation between him, the Chief of Staff, and the other main department heads of the Office of the Reich Commissar, particularly with the one for policies."

THE PRESIDENT: I am told that the French translation is not coming through.

Go on.

MR. BRUDNO: To disgress from this document a moment, I ask that the Court take judicial notice of the decree signed by Rosenberg, dated July 17,

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1941, and found in the Verordnungsblatt of the Reich Minister for the Occupied East, 1942, number 2, pages 7 and 8.

This decree provides for the creation of summary courts for decisions on crimes committed by non-Germans in the East. The courts are to be presided over by a police officer or an SS Leader, who have authority to order the death sentence or confiscation of property, and those decisions are not subject to appeal.

The general commissar is given the right to reject a decision.

THE PRESIDENT: Just one moment, please. It is coming through to the French now?

(The answer was "Yes".)

Very well, go on.

MR. BRUDNO: Thus, the determination of the SS, of these summary courts, is made subordinate to the authority of a representative of the Rosenberg Ministry.

At page 4 of the translation of Document 1056-PS, the position of the General Commissar is defined. It is stated here that:

"The General Commissar forms the administrative office of intermediate appeal."

Three paragraphs down it is stated, and I quote:

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"The SS-and-Police Leader assigned to the General Commissar is directly subordinated to him. However, the Chief of Staff has the general right of requiring information from him."

The document goes on to describe the function of the various subdivisions of the Ministry, concluding with Regional Commissars who preside over the local administrative districts. They too have police units assigned to them and directly subordinated to them.

THE PRESIDENT: Well. Mr. Brudno, surely that could have been stated in a sentence without referring us to all these passages in this document. I mean, Rosenberg was the Minister for the Eastern territories. He had under him Reich Commissars and SS units, who had the full administration--civil administration--of the Eastern territories.

If you had stated that, surely that would have been sufficient.

MR. BRUDNO: Very well, your Honor.

I will proceed from that point, then, to merely point out that the economic exploitation of the territory was undertaken in the fullest cooperation with the Commissioner of the Four Year Plan, as shown by paragraph 2 of page 7 of the translation. It is stated there that the economic inspectorates of the Commissioner of the Four Year Plan will be substantially absorbed in the agencies of the civil administration after the establishment of the civil administration.

I also wish to call your Honors' attention to the first paragraph on page 6, which reads as follows.

"The various commissars," it says, "are, aside from the military agencies, the only Reich authorities in the Occupied Eastern territories. Other Reich authorities may not be established alongside them. They handle all questions of administration of the area which is subordinate to their sovereignty and all affairs which concern the organization and activity of the administration, including those of the police, in the supervision of the native agencies and organizations and of the population."

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I now turn briefly to the second section of the document which is entitled, "Working Directives for the Civil Administration." The first two paragraphs on page 9 have been read into the record as part of document EC-347, USA Exhibit 320. I call particular attention to the statement that the"Hague Rules of Land Warfare, which deal with the administration of a country occupied by a foreign armed power, are not valid."

I continue quoting at the last paragraph on page 9.

"The handling of cases of sabotage is a concern of the Senior SS and Police Leader, of the SS and Police Leader, or of the Police Leaders of the lower echelon. Insofar as collective measures against the population appear appropriate, the decision about them rests with the competent commissar.

"The assessment of fines of money or goods, as well as the ordering of the seizure of hostages and the shooting of inhabitants of the territory in which the acts of sabotage have taken place, can only be by the General Commissar, insofar as the Reich Commissar does not intervene."

I conclude with this document by quoting the first sentence at the top of page 13.

"The District Commissar is responsible for the supervision of all prisons, insofar as the Reich Commissar does not intervene."

I will not take the time of the Tribunal, nor burden the record, with a detailed account of the manner in which Rosenberg's plenary authority and power were wielded. There is evidence in the record, and there will be additional evidence presented by the Soviet Prosecutor, as to the magnitude of the War Crimes and the Crimes against Humanity perpetrated against the peoples of the Occupied East.

However, merely to illustrate the manner in which Rosenberg participated in the criminal activities conducted within his jurisdiction, I would like to refer briefly to a few examples.

I call your attention to the document numbered

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R-135, which was previously introduced as USA Exhibit 289. In this document the prison warden of Minsk reports that 516 German and Russian Jews had been killed, and called attention to the fact that valuable gold had been lost due to the failure to knock out the fillings of the victims before they were done away with.

These activities took place in the prison at Minsk, a prison which, Your Honors will recall from Document 1056, was directly under the supervision of the Ministry for the Occupied East.

For my next illustration I wish to offer Document 018-PS. This document has already been introduced as USA Exhibit 186, but the first paragraph --

THE PRESIDENT (Interposing): What was that last document you referred us to, R-135?

MR. BRUDNO: R-135. I believe you will find it the last in the document book, Your Honor.

THE PRESIDENT: Oh yes, I see; thank you.

MR. BRUDNO: I would like to read to the Tribunal the first paragraph of Document 018-PS, which has not yet been read into the record. The document reveals that Rosenberg wrote Sauckel on 21 November 1942, in the following terms:

"I thank you very much for your report on the execution of the great task given to you, and I am glad to hear that in carrying out your mission you have always found the necessary support, even on the part of the civilian authorities in the occupied Eastern territories. For myself and the officials under my command, this collaboration was and is self-evident, especially since both you and I have, with regard to the solution of the labor problem in the East, represented the same points of view from the beginning."

As late as July 11, 1944, the Rosenberg Ministry was actively concerned with the continuation of the forced labor program, in spite of the retreat from the East.

THE TRIBUNAL (Mr. Biddle): After making this generality, Rosenberg goes on to object, at the last here, to the methods used. You haven't mentioned that.

MR. BRUDNO: Quite right, Your Honor. Those objections are already in

the record, sir, and I was merely referring to this document to show that Rosenberg favored recruitment from the East, that his civilian administrators cooperated with the recruitment in spite of the methods used, the methods which were known to Rosenberg as he reports in the letter himself.

I now offer Document 199-PS --

DR. ALFRED THOMA (Counsel for the Defendant Rosenberg) -- (Interposing): High Tribunal. I must, in this connection protest that the Prosecution, as to paragraph 1, which he just read, did not finish reading it. In the following paragraph it is declared that an agreement of Sauckel and Rosenberg on this point existed.

THE PRESIDENT: I don't think you can have heard that the United States Member of the Tribunal has just made this very point which you are now making to counsel for the United States, and has pointed out to him that he ought to have read there, or drawn attention, at any rate, to the other paragraphs in this document which showed that Rosenberg was objecting to the methods used.

DR. THOMA: High Tribunal. I would like to point to the fact that the Prosecution quoted just the first two sentences from a paragraph -- the same paragraph -- to the effect that it declares that there was an agreement between him and Sauckel that the workers were to be treated well in Germany, and for this purpose welfare organizations were to be created. The way it was presented by the prosecution, the appearance is created as though Sauckel and Rosenberg were concerned only with the deportation of these workers, whereas it was concerned with these phases.

THE PRESIDENT: As counsel for the United States has pointed out, the other passages in the document have already been read. And, naturally, the whole document will be treated as being in evidence. Did you hear that?

DR. THOMA: Yes.

THE PRESIDENT: The Tribunal fully realizes the point you are making, that it is not fair to read one passage of a document when there are other passages in the document which show that the passage read is not a full or proper statement of the document.

MR. BRUDNO: If Your Honor please, I was not attempting to delude the

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Tribunal; it was merely in the interests of time that I did not read the balance. The rest is in the record.

THE PRESIDENT: I realize that.

We will adjourn now.

(Whereupon at 1700 hours the hearing of the Tribunal adjourned, to reconvene on 10 January 1948, at 1000 hours.)

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